

*The People*  
At a Special Term Part 7 of the  
Supreme Court of the State of New  
York, 60 Centre Street, New York  
County, this 29<sup>th</sup> day of August, 2017.

BEFORE: **HON. GERALD LEOVITS**  
J.S.C.

In the Matter of

MALIKAH SHABAZZ, as President of the LEFRACK  
CITY TENANTS ASSOCIATION; JAMES  
GALLOWAY, as Coordinator of the LEFRACK CITY  
TENANTS LEAGUE; RUBI MUHAMMAD;  
DURRIYAH HAKAM; REAVER CHERRY; ROSALIND  
ANTOINE; and the BLACK LEADERSHIP ACTION  
COALITION, INC.,

Index No. 157686/2017

**ORDER TO SHOW CAUSE**

Petitioners,

For an Order Pursuant to Article 78 of the Civil Practice  
Law and Rules,

-against-

NEW YORK CITY BOARD OF ELECTIONS,

Respondent.

Upon the Affirmation of Arthur Z. Schwartz dated August 28, 2017, and the Affidavits of  
Malikah Shabazz (sworn to on August 26, 2018), James Galloway (sworn to on August 28,  
2017), Durriyah Hakam (sworn to on August 26, 2017), Reaver Cherry (sworn to on August 25,  
2017), Rosalind Antoine (sworn to on August 26, 2017), the Affidavit of Ruby Muhammad,  
(sworn to on August 28, 2017), and the Verified Petition, verified on August 28, 2017, and good  
cause appearing therein, the Respondent, New York City Board of Elections ("NYCBOE"),  
Or Counsel  
is hereby

*appear and September*  
ORDERED TO SHOW CAUSE, on August 1, 2017, at 9:30 o'clock in the  
noon, at the Supreme Court, New York County, Part 58 Room 1143  
*60 Centre*


Street, New York, New York, why this Court should not direct the NYCBOE to


(a) restore the voting location for the 15th, 16th, 17th, 18th, 25th, and 54th Election Districts to the Continental Room in LeFrak City where they had been placed during the General Election of 2016; to

(b) work with the management of LeFrak City to make temporary adjustments to the aforesaid voting location so as to accommodate disabled voters; and to

(c) give appropriate notice to registered voters in those districts, including notice by mail, by public posting, by public meetings, and by other manners designed to give immediate notice to all registered voters; and it is further

ORDERED that personal service *if a way* of this Order and its supporting papers upon the NYCBOE, ~~or email service on Counsel to the NYCBOE~~, on ~~or before~~ August 29, 2017, shall be deemed sufficient.

ORAL ARGUMENT REQUEST  
  
J.S.C.

ENTER:  
  
JUSTICE

At a Special Term Part \_\_\_\_ of the  
Supreme Court of the State of New  
York, 60 Centre Street, New York  
County, this \_\_\_\_ day of August, 2017.

BEFORE: \_\_\_\_\_

J.S.C.

-----X  
In the Matter of

MALIKAH SHABAZZ, as President of the LEFRAK  
CITY TENANTS ASSOCIATION; JAMES  
GALLOWAY, as Coordinator of the LEFRAK CITY  
TENANTS LEAGUE; RUBI MUHAMMAD;  
DURRIYAH HAKAM; REAVER CHERRY; ROSALIND  
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cause appearing therein, the Respondent, New York City Board of Elections ("NYCBOE"),  
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ORDERED TO SHOW CAUSE, on August \_\_\_\_, 2017, at \_\_\_\_ o'clock in the  
\_\_\_\_ noon, at the Supreme Court, New York County, Part \_\_\_\_, Room \_\_\_\_, 60 Centre  
Street, New York, New York, why this Court should not direct the NYCBOE to

(a) restore the voting location for the 15th, 16th, 17th, 18th, 25th, and 54th Election Districts to the Continental Room in LeFrak City where they had been placed during the General Election of 2016; to

(b) work with the management of LeFrak City to make temporary adjustments to the aforesaid voting location so as to accommodate disabled voters; and to

(c) give appropriate notice to registered voters in those districts, including notice by mail, by public posting, by public meetings, and by other manners designed to give immediate notice to all registered voters; and it is further

ORDERED that personal service of this Order and its supporting papers upon the NYCBOE, or email service on Counsel to the NYCBOE, on or before August \_\_\_\_, 2017, shall be deemed sufficient.

---

JUSTICE



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

----- X

In the Matter of

MALIKAH SHABAZZ, as President of the LEFRAK CITY  
TENANTS ASSOCIATION; JAMES GALLOWAY, as  
Coordinator of the LEFRAK CITY TENANTS LEAGUE;  
RUBI MUHAMMAD; DURRIYAH HAKAM; REAVER  
CHERRY; ROSALIND ANTOINE; and the BLACK  
LEADERSHIP ACTION COALITION, INC.,

Petitioners,

For an Order Pursuant to Article 78 of the Civil Practice  
Law and Rules,

-against-

NEW YORK CITY BOARD OF ELECTIONS,

Respondent.

----- X

Arthur Z. Schwartz, attorney for Petitioners, affirms under penalty of perjury as follows:

1. Petitioners, who are disabled registered voters, all of whom are Black and/or Hispanic, and organizations whose members includes thousands of disabled and/or Black and/or Hispanic voters, have initiated this action to redress diminution, by the New York City Board of Elections (“NYCBOE”), of their right, and their members’ rights, to vote, in violation of Article I Section 1 and Article II Section 1 of the New York State Constitution, their Right to Equal Protection under Article I, Section 11 of the New York State Constitution, their right to be free from racial, national origin, and disability-based discrimination under Section 296(2) of the New York State Human Rights Law and Section 8-107(4) of the New York City Human Rights Law, and to address generally arbitrary and capricious actions by the NYCBOE utilizing Article 78 of the Civil Practice Laws and Rules. Petitioners allege that the NYCBOE, in response to an

Index No. 157686/2017

**AFFIRMATION OF  
ARTHUR Z.  
SCHWARTZ IN  
SUPPORT OF ORDER  
TO SHOW CAUSE**

assessment of relatively minor, and correctable, problems with one voting site at LeFrak City under the Americans with Disabilities Act (“ADA”), has moved the voting locations of five (5) Election Districts, serving thousands of voters, rather than repairing the problems, making it more difficult for people of color and people with disabilities to vote, without an effort at a reasonable accommodation. Petitioners also allege that the movement of LeFrak City voting locations to the High School for Arts and Businesses (three-quarters of a mile away) and/or PS 13 (a third of a mile away), after LeFrak City management made an offer to make repairs to the on-site voting location, was an arbitrary and capricious action.

2. Petitioners Rubi Muhammad, Durriyah Hakam, Reaver Cherry, and Rosalind Antoine are registered voters of the LeFrak City, Queens affordable housing apartment complex (“LeFrak City”) located in the City of New York and are either voters with disabilities, voters of Black or Hispanic national origin, or both. Petitioners LeFrak City Tenants Association, LeFrak City Tenants League, and the Black Leadership Action Coalition are organizations whose members include voters with disabilities, voters of Black or Hispanic national origin, or both.

3. LeFrak City is located in the thirty-fifth Assembly District, comprising Election Districts (“ED”) fifteen, sixteen, seventeen, eighteen, and twenty-five.

4. For approximately fifty years prior to July 2017, the LeFrak City polling location was in LeFrak City’s Continental Room (hereinafter the “Continental Room”). LeFrak City voters could walk to vote, right within their complex.

5. On or about July 26, 2017, and for the most capricious of reasons, Respondent decided to move the Continental Room polling place out of LeFrak City to two locations, one of which is three-quarters of a mile away and the other of which is a third of a mile away, rather than take advantage of offers by LeFrak City management to do repairs which would remove the

accessibility problems, or to find another appropriate polling location for LeFrak City voters.

The most minimal of notice was given to LeFrak City voters, approximately 30 days before the September 12, 2017 Democratic Primary election, in which a significant turnout is expected because of the candidates running.

6. Respondent's unyielding, yet unreasonable decision will result in the denial or abridgement of the right to vote on account of disability, race, color, or national origin. After unsuccessfully attempting redress with the Board of Elections, Petitioners seek judicial intervention to protect their right to vote, and to right an unconscionable wrong.

7. We will not repeat the detailed allegations of the Petition; they show, however, that five years after being ordered to address ADA-related problems in thousands of polling sites (see Exhibit B), and after having been directed to repair existing polling locations, and move them only as a last resort, the NYCBOE, here, has swooped in and in short order, without public notice, and without consultation with non-partisan representatives of the voters, told the residents of LeFrak City that they must ambulate to two new polling locations, one a third of a mile away, and one three-quarters of a mile away. They have offered no accommodation for voters with disabilities, such as the individual petitioners, who utilize walkers and wheelchairs, and they have to know that the distance to be traveled will depress voter participation among LeFrak City voters, the vast majority of whom are Black or Hispanic. Rather than reconsider, or even explain their decision, the Board of Elections has ignored all requests for meetings and requests for an explanation of why they are proceeding as they are in the face of the potential for voter suppression.

8. Petitioners present an extremely strong case on the merits.

9. **State Constitutional Claims.** The New York State Constitution provides, in relevant part:

**Article I § 1.** [Rights, privileges and franchise secured; uncontested primary elections]

No member of this state shall be disfranchised, or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land, or the judgment of his or her peers, except that the legislature may provide that there shall be no primary election held to nominate candidates for public office or to elect persons to party positions for any political party or parties in any unit of representation of the state from which such candidates or persons are nominated or elected whenever there is no contest or contests for such nominations or election as may be prescribed by general law.

**Article I § 2.** Every citizen shall be entitled to vote at every election for all officers elected by the people and upon all questions submitted to the vote of the people provided that such citizen is eighteen years of age or over and shall have been a resident of this state, and of the county, city, or village for thirty days next preceding an election.

**Article I § 11.** [Equal protection of laws; discrimination in civil rights prohibited]

No person shall be denied the equal protection of the laws of this state or any subdivision thereof. No person shall, because of race, color, creed or religion, be subjected to any discrimination in his or her civil rights by any other person or by any firm, corporation, or institution, or by the state or any agency or subdivision of the state.

10. By its actions Respondent has burdened the registered voters of LeFrak City with such an onerous requirement that they have been constructively denied their right to vote as guaranteed by Article I Section 1 and Article II Section 2 of the New York State Constitution, and have been denied the equal protection of the law as guaranteed by Article I Section 11 of the New York State Constitution.

11. In *Callaghan v. Voorhis*, 252 NY 14, 17 (1929), the Court of Appeals held that “The whole purpose of the Election Law, and the Constitution under which it is enacted, is that,

within reasonable bounds and regulations, all voters shall have equal, easy and unrestricted opportunities to declare their choice for each office”; and see *Hopper v. Britt*, 203 NY 144, 150 (1911) (“any system of election which unnecessarily prevents the elector from voting for the candidate of his choice violates the Constitution;” ... “Inequality in the facilities afforded the electors in casting their votes may defeat the will of the people as thoroughly as restrictions which the Courts would hold to operate as disenfranchisement of voters.”) Id at 153.

12. More recently, Chief Judge Wachtler, after holding that the State Constitution’s right to vote provisions “insures that whatever voting rights an individual possesses may not be taken away or diminished except under certain extraordinary circumstances,” also used the State Constitution’s Equal Protection Clause to find a voting limitation unconstitutional. *Esler v Walters*, 56 NY2d 306 (1982). See also *McMinn v Town of Oyster Bay*, 66 NY2d 544 (1985), affirming a Second Department decision declaring a voting restriction unconstitutional. See 105 AD2d 46 (2d Dept. 1984).

13. **The NY State Human Rights Law Claim.** The New York State Human Rights Law (“NYSHRL”), at Section 292(9), provides, in relevant part:

9. The term “place of public accommodation, resort or amusement” shall include, regardless of whether the owner or operator of such place is a state or local government entity or a private individual or entity, except as hereinafter specified, all places included in the meaning of such terms as: inns, taverns, road houses, hotels, motels, whether conducted for the entertainment of transient guests or for the accommodation of those seeking health, recreation or rest, or restaurants, or eating houses, or any place where food is sold for consumption on the premises; buffets, saloons, barrooms, or any store, park or enclosure where spirituous or malt liquors are sold; ice cream parlors, confectionaries, soda fountains, and all stores where ice cream, ice and fruit preparations or their derivatives, or where beverages of any kind are retailed for consumption on the premises; wholesale and retail stores and establishments dealing with goods or services of any kind, dispensaries, clinics, hospitals, bath-houses, swimming pools,

laundries and all other cleaning establishments, barber shops, beauty parlors, theatres, motion picture houses, airdromes, roof gardens, music halls, race courses, skating rinks, amusement and recreation parks, trailer camps, resort camps, fairs, bowling alleys, golf courses, gymnasiums, shooting galleries, billiard and pool parlors; garages, all public conveyances operated on land or water or in the air, as well as the stations and terminals thereof; travel or tour advisory services, agencies or bureaus; public halls, public rooms, public elevators, and any public areas of any building or structure

14. A voting location is, by this definition, a place of public accommodation.

15. NYSHRL Section 296(2) provides:

2. (a) It shall be an unlawful discriminatory practice for any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, resort or amusement, because of the race, creed, color, national origin, sexual orientation, military status, sex, or disability or marital status of any person, directly or indirectly, to refuse, withhold from or deny to such person any of the accommodations, advantages, facilities or privileges thereof, including the extension of credit, or, directly or indirectly, to publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement, to the effect that any of the accommodations, advantages, facilities and privileges of any such place shall be refused, withheld from or denied to any person on account of race, creed, color, national origin, sexual orientation, military status, sex, or disability or marital status, or that the patronage or custom thereat of any person of or purporting to be of any particular race, creed, color, national origin, sexual orientation, military status, sex or marital status, or having a disability is unwelcome, objectionable or not acceptable, desired or solicited...

(c) For the purposes of paragraph (a) of this subdivision, "discriminatory practice" includes:

(i) a refusal to make reasonable modifications in policies, practices, or procedures, when such modifications are necessary to afford facilities, privileges, advantages or accommodations to individuals with disabilities, unless such person can demonstrate that making such modifications would fundamentally alter the nature of such facilities, privileges, advantages or accommodations;

(ii) a refusal to take such steps as may be necessary to ensure that no individual with a disability is excluded or denied services because of the absence of auxiliary aids and services, unless such person can demonstrate that taking such steps would fundamentally alter the nature of the facility, privilege, advantage or accommodation being offered or would result in an undue burden;

(iii) a refusal to remove architectural barriers, and communication barriers that are structural in nature, in existing facilities, and transportation barriers in existing vehicles and rail passenger cars used by an establishment for transporting individuals (not including barriers that can only be removed through the retrofitting of vehicles or rail passenger cars by the installation of a hydraulic or other lift), where such removal is readily achievable...

(d) For the purposes of this subdivision:

(i) "Readily achievable" means easily accomplishable and able to be carried out without much difficulty or expense. In determining whether an action is readily achievable, factors to be considered include:

(A) the nature and cost of the action needed under this subdivision;

(B) the overall financial resources of the facility or facilities involved in the action; the number of persons employed at such facility; the effect on expenses and resources or the impact otherwise of such action upon the operation of the facility;

(C) the overall financial resources of the place of public accommodation, resort or amusement; the overall size of the business of such a place with respect to the number of its employees; the number, type and location of its facilities; and

(D) the type of operation or operations of the place of public accommodation, resort or amusement, including the composition, structure and functions of the workforce of such place; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to such place.

16. Respondent is a lessee both of the Continental Room at LeFrak City, and of the spaces at the two schools where LeFrak City voting locations have been moved, and is therefore subject to limitations and requirements of Section 296(2) of the NYSHRL.

17. Respondent in no way has provided a reasonable accommodation for persons with disabilities, such as Petitioners, and the class they represent, *i.e.*, disabled residents of LeFrak City, to vote in the September 12 primary election; they are not providing van services, and even if they did, they would be burdening such voters with long waits and a need to take longer than non-disabled voters to get to their place of voting. Furthermore, they have displaced a large population of voters of color, and are requiring them to vote not where they live, but a considerable distance from their residences.

18. By its actions Respondent has violated the rights of Petitioners, and the class of voters they represent, under Section 296(2)(a), and in the case of disabled residents, Section 296(2)(c) of the NYSHRL.

19. **NYC Human Rights Law Claim.** The New York City Human Rights Law (“NYCHRL”), at Section 8-102(9), provides, in relevant part:

9. The term “place or provider of public accommodation” shall include providers, whether licensed or unlicensed, of goods, services, facilities, accommodations, advantages or privileges of any kind, and places, whether licensed or unlicensed, where goods, services, facilities, accommodations, advantages or privileges of any kind are extended, offered, sold, or otherwise made available.

20. NYCHRL Section 8-107(4) provides:

4. Public accommodations.

a. It shall be an unlawful discriminatory practice for any person who is the owner, franchisor, franchisee, lessor, lessee, proprietor, manager, superintendent, agent or employee of any place or provider of public accommodation:



1. Because of any person's actual or perceived race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation or alienage or citizenship status, directly or indirectly:

(a) To refuse, withhold from or deny to such person the full and equal enjoyment, on equal terms and conditions, of any of the accommodations, advantages, services, facilities or privileges of the place or provider of public accommodation; or

21. NYCHRL Section 8-107(15) provides:

15. Applicability; persons with disabilities.

(a) Requirement to make reasonable accommodation to the needs of persons with disabilities. Except as provided in paragraph (b), any person prohibited by the provisions of this section from discriminating on the basis of disability shall make reasonable accommodation to enable a person with a disability to satisfy the essential requisites of a job or enjoy the right or rights in question provided that the disability is known or should have been known by the covered entity.

(b) Affirmative defense in disability cases. In any case where the need for reasonable accommodation is placed in issue, it shall be an affirmative defense that the person aggrieved by the alleged discriminatory practice could not, with reasonable accommodation, satisfy the essential requisites of the job or enjoy the right or rights in question.

22. NYCHRL Section 8-107(17) provides:

17. Disparate impact.

a. An unlawful discriminatory practice based upon disparate impact is established when:

(1) the commission or a person who may bring an action under chapter four or five of this title demonstrates that a policy or practice of a covered entity or a group of policies or practices of a covered entity results in a disparate impact to the detriment of any group protected by the provisions of this chapter; and

(2) the covered entity fails to plead and prove as an affirmative defense that each such policy or practice bears a significant relationship to a significant business objective of the

covered entity or does not contribute to the disparate impact; provided, however, that if the commission or such person who may bring an action demonstrates that a group of policies or practices results in a disparate impact, the commission or such person shall not be required to demonstrate which specific policies or practices within the group results in such disparate impact; provided further, that a policy or practice or group of policies or practices demonstrated to result in a disparate impact shall be unlawful where the commission or such person who may bring an action produces substantial evidence that an alternative policy or practice with less disparate impact is available to the covered entity and the covered entity fails to prove that such alternative policy or practice would not serve the covered entity as well. "Significant business objective" shall include, but not be limited to, successful performance of the job.

23. Respondent is a lessee both of the Continental Room at LeFrak City, and of the spaces at the two schools where LeFrak City voting locations have been moved, and are therefore subject to limitations and requirements of Section 8-107(4) and (15) of the NYCHRL.

24. Respondent in no way has provided a reasonable accommodation for persons with disabilities, such as Petitioners, and the class they represent, *i.e.*, disabled residents of LeFrak City, to vote in the September 12 primary election; they are not providing van services, and even if they did, they would be burdening such voters with long waits and a need to take longer than non-disabled voters to get to their place of voting. Furthermore, they have displaced a large population of voters of color, and are requiring them to vote not where they live, but a considerable distance from their residences

25. By its actions, Respondent has violated the rights of Petitioners, and the class of voters they represent, under Section 8-107(4) and, in the case of disabled residents, Section 8-107(15) of the NYCHRL.

26. **Arbitrary and Capricious Action.** By acting as it has, particularly in its late and vague notice to voters (Exhibit O), its refusal to allow LeFrak City management to make temporary modifications so as to allow barrier free voting on September 12, 2107, and its refusal

to consider the impact of disabled voters and voters of color being forced to travel either one-third of a mile or a three-quarters of a mile in order to vote, after decades of voting within their apartment complex, the NYCBOE has acted arbitrarily and capriciously.

27. **Notice.** The undersigned gave notice of this action to the NYCBOE's General Counsel at around 3:30 pm on August 28, 2017, and advised him that we would present the Order to Show Cause to the Court on August 29, 2017 in the morning.

28. **Reason for Moving by Order Cause.** Petitioners have brought this motion on by Order to Show Cause because the affected Primary Election is on September 12, and a motion brought on in the normal course would be untimely.

29. **Irreparable Injury.** Should the Court not grant the relief requested, Petitioners and the class of voters they represent would suffer irreparable injury.

30. **No prior application** for the relief requested has been made of this or any other court.

**Dated: August 28, 2017**

\_\_\_\_\_/s/  
**Arthur Z. Schwartz**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK-----X  
LEFRAK CITY TENANTS' ASSOCIATION, INC.

Index No. 157686-2017

Petitioners,  
-against-**AFFIDAVIT OF  
MALIKAH K. SHABAZZ**

NEW YORK CITY BOARD OF ELECTIONS,

Respondent.

-----X  
STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF NEW YORK )


MALIKAH SHABAZZ, being duly sworn, deposes and says:

1. I am a registered voter at Lefrak City, Queens. I reside at 98-17 Horace Harding Expressway Apt 4-E, Corona, New York 11368.

2. I am the President of Lefrak City Tenants' Association, Inc.

3. I am 62 years of age.4. Lefrak City Residents has been voting in the Continental Room at Lefrak City, located at 96-10 57 Avenue Corona, New York 11368 for over 40 years.5. The relocation of two polling sites (new location) P.S.13 Clement C. Moore School 55-01 94<sup>th</sup> Street, Flushing, New York 11373 and High School for Arts and Business 105-25 Horace Harding Expressway North, Corona, New York 11368

will substantially burden thousands of registered voters, because it would cause an unnecessary inconvenience which would put seniors and tenants' with disabilities in danger who do not have to cross any streets to get to the polling site that is safe and convenient.

  
Malikah K. Shabazz,  
President Lefrak City Tenants Association, IncSworn to before me this 26  
day of August, 2017  
NOTARY PUBLICRUBY K. MUHAMMAD  
Commissioner of Deeds  
City of New York  
No. 4-5100  
Qualified in New York City  
Commission Expires July 9, 2018

My Voter Detail Release Version 2.20.0

<https://voterlookup.elections.state.ny.us/VoterDetailscreen.aspx?rxt...>NYSVoter Public Information - Voter Registration Search Results [Close](#)[County BOE Contact Information](#)

## Regular Polling Place Information

Please click on the following link to find your polling place

<http://nyc.pollsiteregistration.com/Search.aspx>

## Voter Information

Name : MALIKAH K SHABAZZ  
Residential Address : 98-17 HORACE HARDING EXPRESSWAY  
4E, CORONA, NY 11368  
Mailing Address :  
(if any)  
Political Party : Independence  
Voter Status : Active

## Voter District Information

Election District	: 17	County Legislative District	: 0
Senate District	: 13	Assembly District	: 35
Congressional District	: 14	Town	: CORONA
Ward	:		



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
MALIKAH SHABAZZ, etc., *et al.*,

Petitioners,

-against-

NEW YORK CITY BOARD OF ELECTIONS,

Respondent.  
-----X

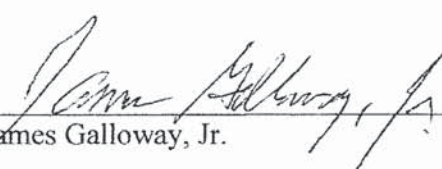
Index No. 157686-2017

**AFFIDAVIT OF JAMES  
GALLOWAY, JR.**

STATE OF NEW YORK     )  
                                      ) ss.:  
COUNTY OF NEW YORK    )

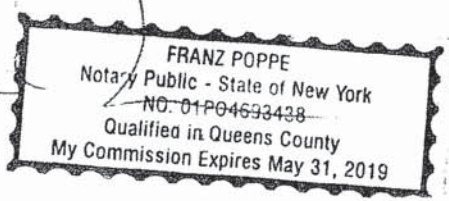
JAMES GALLOWAY, JR., being duly sworn, deposes and says:

1. I am a registered voter at Lefrak City, Queens. I reside at 96-02 57<sup>th</sup> Avenue; Suite #14-M, Corona, Queens, in the State of New York.
2. I am African-American.
3. I am 68 years of age.
4. I have been voting in the Continental Room (my poling site), located at 96-10 57<sup>th</sup> Avenue, Corona, N. Y. for over 30 years.
5. The relocation of my polling location to (new location) would be substantially a burden on my ability to vote, because I have been diagnosed with kidney failure and am unable to walk long distances. Plus, I am personally upset that the Board of Elections gave me less than 30 days to inform me at to my "new" poling site. Furthermore, I am still not satisfied about the "why" my poling site has been changed.

  
James Galloway, Jr.

Sworn to before me this 28  
day of August, 2017

\_\_\_\_\_  
NOTARY PUBLIC



My Voter Detail Release Version 2.20.0

<https://voterlookup.elections.state.ny.us/VoterDetailscreen.aspx?rxt...>NYSVoter Public Information - Voter Registration Search Results [Close](#)[County BOE Contact Information](#)

## Regular Polling Place Information

Please click on the following link to find your polling place

<http://nyc.pollsitelocator.com/Search.aspx>

## Voter Information

Name : JAMES E GALLOWAY  
Residential : 96-02 57 AVENUE 14M, CORONA, NY  
Address : 11368  
Mailing Address :  
(if any)  
Political Party : Democratic  
Voter Status : Active

## Voter District Information

Election District	: 15	County Legislative :	
		District	
Senate District	: 13	Assembly District	: 35
Congressional	: 14	Town	: QUEENS
District			
Ward	:		







## NYSVoter Public Information - Voter Registration Search Results

[County BOE Contact Information](#)[Regular Polling Place Information](#)

Please click on the following link to find your polling place

<http://nyc.pollsitetlocator.com/Search.aspx>

## Voter Information

**Name** : RUBY K MUHAMMAD  
**Residential Address** : 98-38 57 AVENUE 140, CORONA, NY 11368  
**Mailing Address (if any)** :  
**Political Party** : Republican  
**Voter Status** : Active

## Voter District Information

<b>Election District</b> : 18	<b>County Legislative District</b> : 0
<b>Senate District</b> : 13	<b>Assembly District</b> : 35
<b>Congressional District</b> : 14	<b>Town</b> : CORONA
<b>Ward</b> :	

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

Index No. 157686-2017

AFFIDAVIT OF  
DURRIYAH HAKAM-----X  
MALIKAH SHABAZZ, etc., et al.,

Petitioners,

-against-

NEW YORK CITY BOARD OF ELECTIONS,

Respondent.  
-----XSTATE OF NEW YORK )  
 ) ss.:  
COUNTY OF NEW YORK )DURRIYAH A. HAKAM, being duly sworn, deposes and says:1. I am a registered voter at Lefrak City, Queens. I reside at 97-22D 57<sup>th</sup> AVENUE APT. 11C, CORONA, NEW YORK 113682. I am 20 years of age.

3. I am physically disabled and require use of a walker.

4. I have been voting in the Continental Room at Lefrak City, located at 96-10 57

5. Avenue Corona, New York 11368

6. The relocation of my polling location to (new location) P.S. 13- CLEMENT C. MOORE  
55-01 94<sup>th</sup> ST.

\_\_\_\_\_ will substantially burden my ability to vote, because

IT IS INCONVENIENT FOR ME AND CREATES A HARDSHIP  
IN THAT IT IS DIFFICULT FOR ME TO WALK WITHOUT PAIN IN MY LOWER BACK  
MY GATE IS OFF. I CAN'T EVEN WALK A FULL BLOCKDurriyah A. Hakam  
[signature]

Sworn to before me this 26  
day of August, 2017

Ruby K. Muhammad  
NOTARY PUBLIC

RUBY K. MUHAMMAD  
Commissioner of Deeds  
City of New York  
No. 4-5100  
Qualified in New York City  
Commission Expires July 9, 2018

2018



## Voter Registration Search Results

County BOE Contact Information

### Regular Polling Place Information

Please click on the following link to find your polling place

<http://nyc.pollsitelocator.com/Search.aspx>

### Voter Information

**Name** : DURRIYAH A HAKAM  
**Residential Address** : 97-22 57 AVENUE 11C, CORONA, NY 11368  
**Mailing Address (if any)** :  
**Political Party** : Democratic  
**Voter Status** : Active

### Voter District Information

<b>Election District</b>	: 25	<b>County Legislative District</b>	: 0
<b>Senate District</b>	: 13	<b>Assembly District</b>	: 35
<b>Congressional District</b>	: 14	<b>Town</b>	: CORONA
<b>Ward</b>	:		

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK-----X  
MALIKAH SHABAZZ, etc., et al.,

Petitioners,

-against-

NEW YORK CITY BOARD OF ELECTIONS,

Respondent.  
-----X

Index No. 157686-2017

AFFIDAVIT OF REAVER  
CHERRYSTATE OF NEW YORK )  
 ) ss.:  
COUNTY OF NEW YORK )Reaver Cherry, being duly sworn, deposes and says:

1. I am a registered voter at Lefrak City, Queens. I reside at 98-38 57 Ave  
Corona, NY 11368.
2. I am 69 years of age.
3. I am physically disabled and require use of a walker.
4. I have been voting in the Continental Room at Lefrak City, located at 59-17  
Junction Boulevard, Elmhurst, for over 30 years.

5. The relocation of my polling location to (new location) School of Art  
105-25 Horace Harding will substantially burden my ability to vote, because  
Expressway. I'm disable and I use a walker  
to get around. I'm not able to walk that far

Reaver Cherry  
[signature]Sworn to before me this 25  
day of August, 2017Ruby K. MuhammadRUBY K. MUHAMMAD  
Commissioner of Death  
City of New York  
No. 4-5100  
Qualified in New York City  
Commission Expires July 9, 2018

2018





## Voter Registration Search Results

[County BOE Contact Information](#)[Regular Polling Place Information](#)

Please click on the following link to find your polling place

<http://nyc.pollsitelocator.com/Search.aspx>

## Voter Information

Name : REAVER L CHERRY  
Residential : 98-38 57 AVENUE 15D, CORONA, NY 11368-  
Address 1136  
Mailing Address (if :  
any)  
Political Party : Democratic  
Voter Status : Active

## Voter District Information

Election District	: 18	County Legislative District	: 0
Senate District	: 13	Assembly District	: 35
Congressional District	: 14	Town	: CORONA
Ward	:		

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
MALIKAH SHABAZZ, etc., et al.,

Petitioners,

-against-

NEW YORK CITY BOARD OF ELECTIONS,

Respondent.  
-----X

Index No. 157686-2017

**AFFIDAVIT OF  
ROSALINA ANTOINE**

STATE OF NEW YORK     )  
                                      ) ss.:  
COUNTY OF NEW YORK    )

Rosalina E. Antoine, being duly sworn, deposes and says:

1. I am a registered voter at Lefrak City, Queens. I reside at 96-08-57 Avenue

Corona, NY 11368

2. I am 60 years of age.

3. I am physically disabled and require use of a wheelchair.

4. I have been voting in the Continental Room at Lefrak City, located at 59-17

Junction Boulevard, Elmhurst, for over 25 years.

5. The relocation of my polling location to (new location) P.S. 13

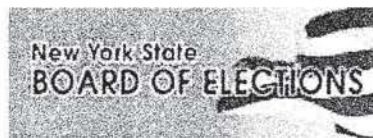
55-0194st P.M. will substantially burden my ability to vote, because  
in a wheel chair it is very hard for  
me to travel to P.S. 13.

Rosalina E. Antoine  
[signature]

Sworn to before me this 26  
day of August, 2017

Ruby K. Muhammad  
NOTARY PUBLIC

**RUBY K. MUHAMMAD**  
Commissioner of Deeds  
City of New York  
No. 4-5100  
Qualified in New York City  
Commission Expires July 2, 2018  
2018



NYSVoter

Voter Registration Search Results

Voter Registration Search Results

County BOE Contact InformationRegister Polling Place Information

Please click on the following link to find your polling place

<http://nyc.pollsitelocator.com/Search.aspx>Voter Information

Name : ROSALIND E ANTOINE  
Residential Address : 96-08 57 AVENUE 15 M, CORONA, NY 11368  
Mailing Address (if any) :  
Political Party : Democratic  
Voter Status : Active

Voter District Information

Election District	: 15	County Legislative District	:
Senate District	: 13	Assembly District	: 35
Congressional District	: 14	Town	: QUEENS
Ward	:		



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

----- X  
In the Matter of

MALIKAH SHABAZZ, as President of the LEFRAK CITY  
TENANTS ASSOCIATION; JAMES GALLOWAY, as  
Coordinator of the LEFRAK CITY TENANTS LEAGUE;  
RUBI MUHAMMAD; DURRIYAH HAKAM; REAVER  
CHERRY; ROSALIND ANTOINE; and the BLACK  
LEADERSHIP ACTION COALITION, INC.,

Index No.

**VERIFIED PETITION**

Petitioners,

For an Order Pursuant to Article 78 of the Civil Practice  
Law and Rules,

-against-

NEW YORK CITY BOARD OF ELECTIONS,

Respondent.  
----- X

Petitioners Malikah Shabazz, as President of the LeFrak City Tenants Association, James Galloway, as Coordinator of the LeFrak City Tenants League, Rubi Muhammad, Durriyah Hakam, Reaver Cherry, Rosalind Antoine, and the Black Leadership Action Coalition, Inc., individually, in their representative capacity and on behalf of others similarly situated, hereby complain as follows against the Respondent New York City Board of Elections (“NYCBOE”):

**INTRODUCTION**

1. Petitioners have initiated this action to redress diminution, by the NYCBOE, of their right, and their members’ rights, to vote, in violation of Article I Section 1 and Article II Section 1 of the New York State Constitution, their Right to Equal Protection under Article I, Section 11 of the New York State Constitution, their right to be free from racial, national origin, and disability based discrimination under Section 296(2) of the New York State Human Rights Law and Section 8-107(4) of the New York City Human Rights Law, and to address generally arbitrary and capricious actions by the NYCBOE utilizing Article 78 of the Civil Practice Laws

and Rules. Petitioners allege that the NYCBOE, in response to an assessment of relatively minor, and correctable, problems with one voting site at LeFrak City under the Americans with Disabilities Act (“ADA”), has moved the voting locations of five (5) Election Districts, serving thousands of voters, rather than repairing the problems, making it more difficult for people of color and people with disabilities to vote, without an effort at a reasonable accommodation. Petitioners also allege that the movement of LeFrak City voting locations to the High School for Arts and Businesses (three-quarters of a mile away) and/or PS 13 (a third of a mile away), after LeFrak City management made an offer to make repairs to the on-site voting location, was an arbitrary and capricious action.

2. Petitioners Rubi Muhammad, Durriyah Hakam, Reaver Cherry, and Rosalind Antoine are registered voters of the LeFrak City, Queens affordable housing apartment complex (“LeFrak City”) located in the City of New York and are either voters with disabilities, voters of Black or Hispanic national origin (or both). Petitioners LeFrak City Tenants Association, LeFrak City Tenants League, and the Black Leadership Action Coalition are organizations whose members include voters with disabilities, voters of Black or Hispanic national origin, or both.

3. LeFrak City is located in the thirty-fifth Assembly District, comprising Election Districts (“ED”) fifteen, sixteen, seventeen, eighteen, and twenty-five.

4. For approximately fifty years prior to July 2017, the LeFrak City polling location was in LeFrak City’s Continental Room (hereinafter the “Continental Room”). LeFrak City voters could walk to vote, right within their complex.

5. On or about July 26, 2017, and for the most self-defeating of reasons, Respondent decided to move the Continental Room polling place out of LeFrak City to two locations, one of which is three-quarters of a mile away and the other of which is a third of a mile away.

6. Respondent's decision will result in the denial or abridgement of the right to vote on account of disability, race, color, or national origin. After unsuccessfully attempting redress with the Board of Elections, Petitioners seek judicial intervention to protect their right to vote, and to right an unconscionable wrong.

7. The great shame of this all is that Respondent is aware that the consequences of its decision will be the disenfranchisement of those among us who have been systematically denied the right to vote, yet persevere in their decision. Even more unfortunate is that despite the Board's pretext for the move—to remedy access issues under the guise of the American with Disabilities Act—the NYCBOE has adopted a solution which will prevent many disabled plaintiffs in LeFrak City from accessing the franchise.

### **PARTIES**

8. Petitioner Malikah Shabazz sues as President of the LeFrak City Tenants Association, which includes numerous voters with disabilities, Black voters, and voters of Hispanic national origin.

9. Petitioner James Galloway sues as Coordinator of the LeFrak City Tenants League, which includes numerous voters with disabilities, Black voters, and voters of Hispanic national origin.

10. Petitioner Rubi Muhammad lives in the LeFrak City, is a registered Democratic voter, and, due to a disability, uses a wheelchair in order to ambulate. Petitioner Muhammad is African American.

11. Petitioner Durriyah Hakam lives in the LeFrak City apartment complex, is a registered Democratic voter, and, due to a disability, uses a walker in order to ambulate. Petitioner Hakam is African American.

12. Petitioner Reaver Cherry lives in the LeFrak City apartment complex, is a registered Democratic voter, and, due to a disability, uses a walker in order to ambulate. Petitioner Cherry is African American.

13. Petitioner Rosalind Antoine lives in the LeFrak City apartment complex, is a registered Democratic voter, and, due to a disability, uses a wheelchair in order to ambulate. Petitioner Antoine is African American.

14. Petitioner Black Leadership Action Coalition, Inc. (“BLAC”) is a not-for-profit membership corporation, recognized as tax exempt under Section 501(c)(4) of the Internal Revenue Code. It exists for the purpose of advancing the rights of the Black community, whether they be African Americans or African Caribbean immigrants. Its address is 39 Broadway, New York, New York.

15. Plaintiffs fairly represent a class of all registered disabled, Black, and Hispanic voters residing at LeFrak City.

16. Defendant New York City Board of Elections administers Municipal, State, and Federal elections in the City of New York. The Board of Elections is comprised of an Executive Director, President and two commissioners in each borough in the City of New York. Its offices are located at 32 Broadway, New York, New York.

### **FACTUAL BACKGROUND**

17. LeFrak City is a large and long-standing affordable housing complex housing around twenty thousand mostly Black and Hispanic residents, many of whom are elderly and disabled. The complex comprises five election districts in the thirty-fifth assembly district (the fifteenth, sixteenth, seventeenth, eighteenth, and twenty-fifth) totaling approximately 4,500 registered voters.

18. According to the 2010 Census, Black and Hispanic voters make up a majority of the voting population in LeFrak City.

19. For approximately fifty years, the Continental Room within LeFrak City, located at 96-10 57th Avenue, Corona, New York, has been the location of the polling place for all of LeFrak City's voters.

20. In 2010 a group of organizations advocating for the disabled filed a lawsuit titled *Disabled in Action vs Board of Election in the City of New York* in the United States District Court for the Southern District of New York. On August 8, 2012, the District Court entered an order (Exhibit A) granting the plaintiffs' summary judgment motion. The District Court held that the undisputed evidence demonstrated that the BOE violated the ADA and the Rehabilitation Act by maintaining a voting program with inaccessible polling places and failing to offer reasonable remedies to address the barriers to access. To support this holding, the District Court pointed to the surveys that identified "pervasive and recurring barriers to accessibility on election days at poll sites designated by the BOE." The District Court determined that the BOE failed to present evidence challenging the existence of these barriers to access. The District Court rejected the BOE's argument that it accommodated voters with disabilities by offering to transfer them to a nearby accessible polling place and by addressing barriers as the BOE become aware of them. The District Court also rejected the BOE's argument that the ADA and Rehabilitation Act claims must be dismissed because the plaintiffs failed to identify voters with disabilities who were actually deprived of the right to cast a ballot.

21. The District Court's October 18, 2012, Order. (Exhibit B). After it entered the Summary Judgment Order, the District Court held three conferences with the parties concerning the appropriate remedy. After the third conference, the District Court entered 11 an order dated October 18, 2012 (the "Remedial Order") that provides relief for the violations it recognized in the Summary Judgment Order. In addition to requiring the BOE to ensure the accessibility of polling places in New York City, the Remedial Order contains three key components. First, the Remedial Order requires the BOE to designate

a poll worker at each polling site as the on-site ADA coordinator responsible for monitoring and documenting accessibility complaints received at that site. Second, the BOE must contract with a third-party expert to conduct accessibility surveys of polling sites. The third-party expert must also issue recommendations noting whether and how a polling site can be modified to be accessible on election days. The BOE must implement the third-party expert's recommendations unless it successfully challenges them in the district court. For polling sites at non-public locations that cannot be modified temporarily, the BOE must recommend a site to which the polling place can be relocated. Third, the Remedial Order requires Assembly District Monitors ("AD Monitors"), who are responsible for reviewing the accessibility of polling places, to visit every poll site at least twice each election day to assess its accessibility. The AD Monitors must also document the results of their visits, including whether any temporary modifications recommended by the third-party expert were implemented.

22. That order was affirmed, on appeal, by the United States Court of Appeals for the Second Circuit on March 14, 2014. A copy of that decision is annexed as Exhibit C

23. On or about September 25, 2015, the NYC Board of Elections, as part of a general review of voting locations as per the Remedial Order in *Disabled in Action vs Board of Election in the City of New York*, did a survey (utilizing a consultant) of the impediments of disabled voters voting at the Continental Room. Subsequently the Continental Room was used for the General Election of November 2015, the Presidential Primary Election of April 2016 (which saw a heavy turnout), the Congressional Primary of June 2016, and the Primary Election of September 2016.

24. On around September 22, 2016 the contractor issued a report, annexed as Exhibit D, outlining seven problems with voting at the Continental Room, two of which involved access for vehicles carrying the disabled to the poll site. For the convenience of the Court, Petitioners outline, in Exhibit E, what each of those problems involved, AND the solutions to each problem recommended by the contractor. None of the problems they found was difficult to resolve.

25. Subsequent to the issuance of the report the Continental Room was used for the 2016 Presidential Election, which saw a 50% plus turnout; no one complained about being unable to vote due to the “problems” flagged by the contractor. In fact, those findings were not relayed to LeFrak City management so that they could rectify the problems.

26. On or about May 8, 2017, LeFrak City Management Company received a renewal licensing agreement for the use of the Continental Room as a poll location for the period ending June 30, 2018. The licensing agreement was similar in form to Exhibit F, which had been signed for the prior year.

27. On May 8, 2017, LeFrak management sent the form back because some necessary language was not included. See email annexed as Exhibit G, and the letter from LeFrak City management to the Board of Elections annexed as Exhibit H.

28. On or about May 15, 2017, Defendant advised LeFrak City would no longer be used as a poll site.

29. In an effort to retain the poll site at LeFrak City, LeFrak management contacted the NYCBOE General Counsel’s office on May 30, 2017. During that conversation LeFrak offered to rectify all ADA issues, and asked the NYCBOE to reconsider moving voting back to the Continental Room, or some other suitable location in the LeFrak complex. See Exhibit H.

30. The NYCBOE’s response to LeFrak was that they would reconsider the poll site in 2018 if the ADA issues were resolved, and for the first time forwarded the contractor’s report (Exhibit A) to LeFrak management. (See Exhibit H).

31. On or about June 14, 2017, representatives of LeFrak City Management Company identified another location in LeFrak City and emailed the address for consideration to Defendant. LeFrak City representatives were informed that the registered voters of LeFrak City

had already been re-assigned to two poll sites, EDs 16, 17 and 18 to High School of the Arts, nearly three-quarters of a mile away at 105-25 Horace Harding Expressway, and EDs 15 and 25 to PS 13, a third of a mile away, at 55-01 94th Street. Defendant declined any further consideration of suggested alternatives or attempts to mitigate the impact of the polling site change. (See Exhibit H).

32. LeFrak City management and the Petitioner LeFrak City Tenant's Association have suggested several alternatives, including the lobby and nearby houses of worship, to no avail.

33. Defendant made this unilateral decision without any community consultation, public hearings, or even a press release to alert voters of LeFrak City of this change, despite requests that they do so.

34. On July 26, 2017, BLAC, representing its members who are LeFrak City voters, wrote to the NYCBOE, complaining that Respondent's actions were making it harder for people to vote, and demanding that the polling location not be changed before the end of the 2017 voting cycle, and then hold public hearings about where the polling locations should be moved, if at all. That letter is annexed as Exhibit I. A similar letter was sent on July 26, 2017 to the NY State Board of Elections, asking them to intervene. See Exhibit J.

35. As a result of the July 26, 2017 letter, NYCBOE scheduled a meeting with BLAC for August 7, 2017. However, Respondent cancelled the meeting. BLAC wrote again on August 7, 2017 (Exhibit K) asking for information supporting the Respondent's decision to move the LeFrak City polling locations, documents which would demonstrate a reasoned, carefully considered decision to move a polling location a considerable distance which affected thousands of voters. Besides asking for a showing of public notice (which had not yet occurred), the letter asked a key question to which Respondent has not responded: "Given that many of the voting



stations in NYC have been found out-of-compliance with the ADA compliance at least since 2008—and given that the decision in *Disabled in Action v. Board of Elections in the City of New York* ...was rendered in [October 2012]—why was the decision to move the LeFrak City voting stations made now and without lead-time to find a suitable alternative?” Like LeFrak City management, BLAC also asked why the site movement could not be delayed until March 2018 so that proper efforts either to make repairs of to find a nearby alternative location was undertaken. Respondent has not responded. A similar letter was sent to the Queens Commissioners of the Respondent on August 7, 2017. (See Exhibit L).

36. On August 18, 2017, LeFrak City management wrote to Respondent (Exhibit H) detailing its interactions with Respondent and reminding the Respondent that it had identified alternative polling locations within LeFrak City as early as June 14, 2017, and that their proposal was rejected out of hand.

37. On August 18, 2017, BLAC wrote to Respondent again (Exhibit M) and proposed three potential solutions to resolve any ADA compliance issue with the Continental Room, including (1) one or two more polling locations within LeFrak City to serve as auxiliary polling sites, (2) building out the area adjacent to the Continental Room, and (3) locating a temporary mobile trailer on an appropriate ADA-compliant location and assigning enough voters to use that as their polling locations so that the Continental Room would have fewer polling machines and then become ADA-compliant. The Respondent again rejected all alternative locations out of hand.

38. In early August Respondent sent notice of the poll site change to the affected 4500 voters as part of a 16-page, multi-language publication, advising them about the September 12 primary. See Exhibit O. The change was not highlighted, and in fact was not labeled as a change. There was simply a little box with a peel-off card inside the publication

stating the voting location. Respondent has posted no notices, made no public announcement, has done no public education, and has made no arrangements to transport voters to the new voting sites, the principal one of which is .7 miles away if one follows a path along the Long Island Expressway. Maps showing the two new locations are annexed as Exhibit N.

39. Respondent has been unresponsive, dismissive, and unwilling to mitigate the impact of its unilateral decision to relocate the polling site at LeFrak City, or allow temporary measures to be undertaken to make the voting locations accessible to persons with disabilities. Any defense which Respondent has, *i.e.*, that it is simply complying with the *Disabled in Action* order, is undercut by the fact that that order, as described by the U.S. Court of Appeals, was supposed to see the Respondent proceed as follows: “The Third-Party Expert report is to include recommendations as to how specific poll sites may be temporarily modified to make them accessible. If the Third Party Expert concludes that a poll site cannot be reasonably modified, BOE must report to plaintiffs and the Third Party Expert whether the polling site can be relocated or made temporarily accessible.”

40. The remedial order mandates that BOE implement the Third-Party Expert’s recommendations unless BOE concludes “it cannot reasonably implement a recommendation,” “relocation of the polling site to an alternate location is a more appropriate response to the recommendation,” or “a polling site cannot be relocated.” The Respondent has not, and cannot represent to this Court that the new polling locations are more appropriate.

41. Aside from consisting of a high population of minority and language-assisted voters, LeFrak City is home to Section 8 residents, the elderly and the infirm—many of whom do not have a car and are unable to use public transportation.

42. Based on the totality of the circumstances Respondent's decision to move LeFrak City's polling place prevents people with disabilities from participating effectively in the political process or electing candidates of their choice, and severely undercuts the rights of the largely Black and Hispanic population of LeFrak City to vote in a convenient manner.

43. There is currently a contested New York City Council race in District 21 comprising LeFrak City. Defendant's arbitrary and ulterior decision to relocate the polling location denies supporters of both candidates from exercising their right to vote in a New York City-wide election on September 12, 2017.

44. The foregoing paragraphs are incorporated into the causes of action below in their entirety as if set forth in full.

**AS AND FOR A FIRST CAUSE OF ACTION**  
**VIOLATION OF THE NY STATE CONSTITUTION**

45. The New York State Constitution provides, in relevant part:

**Article I § 1.** [Rights, privileges and franchise secured; uncontested primary elections]

No member of this state shall be disfranchised, or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land, or the judgment of his or her peers, except that the legislature may provide that there shall be no primary election held to nominate candidates for public office or to elect persons to party positions for any political party or parties in any unit of representation of the state from which such candidates or persons are nominated or elected whenever there is no contest or contests for such nominations or election as may be prescribed by general law.

**Article I § 2.** Every citizen shall be entitled to vote at every election for all officers elected by the people and upon all questions submitted to the vote of the people provided that such citizen is eighteen years of age or over and shall have been a resident of this state, and of the county, city, or village for thirty days next preceding an election.

**Article I § 11.** [Equal protection of laws; discrimination in civil rights prohibited]

No person shall be denied the equal protection of the laws of this state or any subdivision thereof. No person shall, because of race, color, creed or religion, be subjected to any discrimination in his or her civil rights by any other person or by any firm, corporation, or institution, or by the state or any agency or subdivision of the state.

46. By its actions Respondent has burdened the registered voters of LeFrak City with such an onerous requirement that they have been constructively denied their right to vote as guaranteed by Article I Section 1 and Article II Section 2 of the New York State Constitution, and have been denied the equal protection of the law as guaranteed by Article I Section 11 of the New York State Constitution.

**AS AND FOR A SECOND CAUSE OF ACTION**  
**NEW YORK STATE HUMAN RIGHTS LAW**

47. The New York State Human Rights Law (“NYSHRL”), at Section 292(9), provides, in relevant part:

9. The term “place of public accommodation, resort or amusement” shall include, regardless of whether the owner or operator of such place is a state or local government entity or a private individual or entity, except as hereinafter specified, all places included in the meaning of such terms as: inns, taverns, road houses, hotels, motels, whether conducted for the entertainment of transient guests or for the accommodation of those seeking health, recreation or rest, or restaurants, or eating houses, or any place where food is sold for consumption on the premises; buffets, saloons, barrooms, or any store, park or enclosure where spirituous or malt liquors are sold; ice cream parlors, confectionaries, soda fountains, and all stores where ice cream, ice and fruit preparations or their derivatives, or where beverages of any kind are retailed for consumption on the premises; wholesale and retail stores and establishments dealing with goods or services of any kind, dispensaries, clinics, hospitals, bath-houses, swimming pools, laundries and all other cleaning establishments, barber shops, beauty parlors, theatres, motion picture houses, airdromes, roof gardens, music halls, race courses, skating rinks, amusement and recreation parks, trailer camps, resort camps, fairs, bowling alleys,

golf courses, gymnasiums, shooting galleries, billiard and pool parlors; garages, all public conveyances operated on land or water or in the air, as well as the stations and terminals thereof; travel or tour advisory services, agencies or bureaus; public halls, public rooms, public elevators, and any public areas of any building or structure

48. A voting location is, by this definition, a place of public accommodation.

49. NYSHRL Section 296(2) provides:

2. (a) It shall be an unlawful discriminatory practice for any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, resort or amusement, because of the race, creed, color, national origin, sexual orientation, military status, sex, or disability or marital status of any person, directly or indirectly, to refuse, withhold from or deny to such person any of the accommodations, advantages, facilities or privileges thereof, including the extension of credit, or, directly or indirectly, to publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement, to the effect that any of the accommodations, advantages, facilities and privileges of any such place shall be refused, withheld from or denied to any person on account of race, creed, color, national origin, sexual orientation, military status, sex, or disability or marital status, or that the patronage or custom thereat of any person of or purporting to be of any particular race, creed, color, national origin, sexual orientation, military status, sex or marital status, or having a disability is unwelcome, objectionable or not acceptable, desired or solicited...

(c) For the purposes of paragraph (a) of this subdivision, "discriminatory practice" includes:

(i) a refusal to make reasonable modifications in policies, practices, or procedures, when such modifications are necessary to afford facilities, privileges, advantages or accommodations to individuals with disabilities, unless such person can demonstrate that making such modifications would fundamentally alter the nature of such facilities, privileges, advantages or accommodations;

(ii) a refusal to take such steps as may be necessary to ensure that no individual with a disability is excluded or denied services because of the absence of auxiliary aids and services, unless such person can demonstrate that taking such steps would fundamentally alter the nature of the facility, privilege, advantage

or accommodation being offered or would result in an undue burden;

(iii) a refusal to remove architectural barriers, and communication barriers that are structural in nature, in existing facilities, and transportation barriers in existing vehicles and rail passenger cars used by an establishment for transporting individuals (not including barriers that can only be removed through the retrofitting of vehicles or rail passenger cars by the installation of a hydraulic or other lift), where such removal is readily achievable...

(d) For the purposes of this subdivision:

(i) "Readily achievable" means easily accomplishable and able to be carried out without much difficulty or expense. In determining whether an action is readily achievable, factors to be considered include:

(A) the nature and cost of the action needed under this subdivision;

(B) the overall financial resources of the facility or facilities involved in the action; the number of persons employed at such facility; the effect on expenses and resources or the impact otherwise of such action upon the operation of the facility;

(C) the overall financial resources of the place of public accommodation, resort or amusement; the overall size of the business of such a place with respect to the number of its employees; the number, type and location of its facilities; and

(D) the type of operation or operations of the place of public accommodation, resort or amusement, including the composition, structure and functions of the workforce of such place; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to such place.

50. Respondent is a lessee both of the Continental Room at LeFrak City, and of the spaces at the two schools where LeFrak City voting locations have been moved, and are therefore subject to limitations and requirements of Section 296(2) of the NY State Human Rights Law.



51. Respondent in no way has provided a reasonable accommodation for persons with disabilities, such as Petitioners, and the class they represent, *i.e.*, disabled residents of LeFrak City, to vote in the September 12 primary election; they are not providing van services, and even if they did, they would be burdening such voters with long waits and a need to take longer than non-disabled voters to get to their place of voting. Furthermore, they have displaced a large population of voters of color, and are requiring them to vote not where they live, but a considerable distance from their residences.

52. By its actions Respondent has violated the rights of Petitioners, and the class of voters they represent, under Section 296(2)(a), and in the case of disabled residents, Section 296(2)(c) of the NYSHRL.

**AS AND FOR A THIRD CAUSE OF ACTION**  
**VIOLATION OF THE NEW YORK CITY HUMAN RIGHTS LAW**

53. The New York City Human Rights Law (“NYCHRL”), at Section 8-102(9), provides, in relevant part:

9. The term “place or provider of public accommodation” shall include providers, whether licensed or unlicensed, of goods, services, facilities, accommodations, advantages or privileges of any kind, and places, whether licensed or unlicensed, where goods, services, facilities, accommodations, advantages or privileges of any kind are extended, offered, sold, or otherwise made available.

54. NYCHRL Section 8-107(4) provides:

4. Public accommodations.

a. It shall be an unlawful discriminatory practice for any person who is the owner, franchisor, franchisee, lessor, lessee, proprietor, manager, superintendent, agent or employee of any place or provider of public accommodation:

1. Because of any person’s actual or perceived race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation or alienage or citizenship status, directly or indirectly:

(a) To refuse, withhold from or deny to such person the full and equal enjoyment, on equal terms and conditions, of any of the accommodations, advantages, services, facilities or privileges of the place or provider of public accommodation; or

55. NYCHRL Section 8-107(15) provides:

15. Applicability; persons with disabilities.

(a) Requirement to make reasonable accommodation to the needs of persons with disabilities. Except as provided in paragraph (b), any person prohibited by the provisions of this section from discriminating on the basis of disability shall make reasonable accommodation to enable a person with a disability to satisfy the essential requisites of a job or enjoy the right or rights in question provided that the disability is known or should have been known by the covered entity.

(b) Affirmative defense in disability cases. In any case where the need for reasonable accommodation is placed in issue, it shall be an affirmative defense that the person aggrieved by the alleged discriminatory practice could not, with reasonable accommodation, satisfy the essential requisites of the job or enjoy the right or rights in question.

56. NYCHRL Section 8-107(17) provides:

17. Disparate impact.

a. An unlawful discriminatory practice based upon disparate impact is established when:

(1) the commission or a person who may bring an action under chapter four or five of this title demonstrates that a policy or practice of a covered entity or a group of policies or practices of a covered entity results in a disparate impact to the detriment of any group protected by the provisions of this chapter; and

(2) the covered entity fails to plead and prove as an affirmative defense that each such policy or practice bears a significant relationship to a significant business objective of the covered entity or does not contribute to the disparate impact; provided, however, that if the commission or such person who may bring an action demonstrates that a group of policies or practices results in a disparate impact, the commission or such person shall

not be required to demonstrate which specific policies or practices within the group results in such disparate impact; provided further, that a policy or practice or group of policies or practices demonstrated to result in a disparate impact shall be unlawful where the commission or such person who may bring an action produces substantial evidence that an alternative policy or practice with less disparate impact is available to the covered entity and the covered entity fails to prove that such alternative policy or practice would not serve the covered entity as well. "Significant business objective" shall include, but not be limited to, successful performance of the job.

57. Respondent is a lessee both of the Continental Room at LeFrak City, and of the spaces at the two schools where LeFrak City voting locations have been moved, and are therefore subject to limitations and requirements of Section 8-107(4) and (15) of the NYCHRL.

58. Respondent in no way has provided a reasonable accommodation for persons with disabilities, such as Petitioners, and the class they represent, *i.e.*, disabled residents of LeFrak City, to vote in the September 12 primary election; they are not providing van services, and even if they did, they would be burdening such voters with long waits and a need to take longer than non-disabled voters to get to their place of voting. Furthermore, they have displaced a large population of voters of color, and are requiring them to vote not where they live, but a considerable distance from their residences

59. By its actions, Respondent has violated the rights of Petitioners, and the class of voters they represent, under Section 8-107(4) and, in the case of disabled residents, Section 8-107(15) of the NYCHRL.

**AS AND FOR A FOURTH CAUSE OF ACTION**  
**ARBITRARY AND CAPRICIOUS DECISION MAKING**

60. By acting as it has, particularly in its late and vague notice to voters (see Exhibit O) , its refusal to allow LeFrak City management to make temporary modifications so as to allow barrier free voting on September 12, 2107, and its refusal to consider the impact of disabled

voters and voters of color being forced to travel either one-third of a mile or a three-quarters of a mile in order to vote, after decades of voting within their apartment complex, and by giving voters inadequate notice, the NYCBOE has acted arbitrarily and capriciously.

**PRAYER FOR RELIEF**

WHEREFORE, Petitioners pray that this Court:

- a. Order Respondent to move the polling location for the voters of LeFrak City back to the Continental Room in time for the September 12, 2017 New York City primary election, and provide immediate notice to voters by mail and by postings throughout the LeFrak City development.
- b. Grant Petitioners such other equitable and legal relief as the Court deems just, proper, and appropriate.
- c. Award Petitioners the costs and expenses of this action and a reasonable attorney's fee.

Dated: August 28, 2017

ADVOCATES FOR JUSTICE  
*Attorneys for Petitioners*

By: \_\_\_\_\_/s/  
Arthur Z. Schwartz  
225 Broadway, Suite 1902  
New York, New York 10007  
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aschwartz@afjlaw.com

**VERIFICATION**

ARTHUR Z. SCHWARTZ, an attorney for Petitioners, affirms under penalty of perjury that the foregoing is true. This affirmation is made by counsel because all Petitioners reside outside of New York County. Your affiant's knowledge is based upon documents kept by Petitioners and Respondent and court records.

Dated: New York, New York  
August 28, 2017

\_\_\_\_\_  
/s/  
ARTHUR Z. SCHWARTZ

## EXHIBIT A



United Spinal Ass'n v. Board of Elections in City of New York, 882 F.Supp.2d 615 (2012)  
45 NDLR P 205

882 F.Supp.2d 615  
United States District Court,  
S.D. New York.

UNITED SPINAL ASSOCIATION, a  
nonprofit organization, Disabled In  
Action, a nonprofit organization, Plaintiffs,

v.

BOARD OF ELECTIONS IN THE CITY  
OF NEW YORK and Julie Dent, in her  
official capacity as President of the Board of  
Elections in the City of New York, Defendants.

No. 10 Civ. 5653(DAB).

|  
Aug. 8, 2012.

#### Synopsis

**Background:** Nonprofit membership organizations consisting of persons with mobility and/or vision impairments brought action against city board of elections (BOE) and BOE's president, seeking declaratory and injunctive relief remedying alleged access barriers at poll sites operated by BOE under Americans with Disabilities Act (ADA) and Rehabilitation Act (RA). Parties cross-moved for summary judgment.

**[Holding:]** The District Court, Deborah A. Batts, J., held that organizations' members were denied meaningful opportunity to participate in or benefit from city BOE's voting program by reason of their disabilities under ADA and RA.

Plaintiffs' motion granted, defendants' motion denied.

West Headnotes (4)

#### [1] Civil Rights

☞ Discrimination by reason of handicap, disability, or illness

Plaintiffs establish a prima facie violation of Title II of ADA when they show that:  
(1) plaintiffs are qualified individuals with

a disability; (2) defendants are subject to the ADA; and (3) plaintiffs were denied the opportunity either to participate in or to benefit from defendants' services, programs, or activities, or were otherwise discriminated against by defendants, by reason of plaintiffs' disabilities. Americans with Disabilities Act of 1990, § 202, 42 U.S.C.A. § 12132.

7 Cases that cite this headnote

#### [2] Civil Rights

☞ Physical access and mobility; carriers

Voters with vision and mobility-related impairments were denied meaningful opportunity to participate in or benefit from city board of election's (BOE) voting program by reason of their disabilities under Title II of Americans with Disabilities Act (ADA) and Rehabilitation Act (RA); recurring barriers to accessibility had existed on election days at poll sites designated by BOE, including unsafe or missing ramps, missing signage, and improper placement of voting equipment and furniture in voting areas, BOE itself had admitted that more than two poll sites had not met accessibility standards, and BOE had failed to undertake feasible measures to improve accessibility. Rehabilitation Act of 1973, § 504(a), 29 U.S.C.A. § 794(a); Americans with Disabilities Act of 1990, § 202, 42 U.S.C.A. § 12132; 28 C.F.R. § 35.150.

6 Cases that cite this headnote

#### [3] Civil Rights

☞ Discrimination by reason of handicap, disability, or illness

Although the ADA and its implementing regulations do not require equal access or equal results for individuals with disabilities, those individuals must be provided with meaningful access to a public entity's programs and activities. Americans with Disabilities Act of 1990, § 202, 42 U.S.C.A. § 12132; 28 C.F.R. § 35.150.

4 Cases that cite this headnote

United Spinal Ass'n v. Board of Elections in City of New York, 882 F.Supp.2d 615 (2012)

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[4] **Civil Rights**

*Physical access and mobility; carriers*

To demonstrate that individuals were deprived of an opportunity or benefit or discriminated against by reason of their disabilities under ADA or Rehabilitation Act, plaintiff must demonstrate that defendant failed to undertake some feasible measure to improve accessibility or, in other words, that defendant failed to provide disabled voters with reasonable accommodations. Rehabilitation Act of 1973, § 504(a), 29 U.S.C.A. § 794(a); Americans with Disabilities Act of 1990, § 202, 42 U.S.C.A. § 12132; 28 C.F.R. § 35.150.

4 Cases that cite this headnote

**Attorneys and Law Firms**

\*616 Julia Miriam Pinover, Ronald Elsberry, Sid Wolinsky, Stuart John Seaborn, Disability Rights Advocates, Kevin Todd Mintzer, Kevin Mintzer, P.C., Mariann Meier Wang, Cuti Hecker Wang LLP., New York, NY, for Plaintiffs.

Stephen Edward Kitzinger, New York, NY, for Defendants.

**MEMORANDUM & ORDER**

DEBORAH A. BATTS, District Judge.

Plaintiffs United Spinal Association and Disabled in Action bring this action for \*617 declaratory and injunctive relief pursuant to Title II of the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12131, et seq. and Section 504 of the Rehabilitation Act of 1973 (“Section 504”), 29 U.S.C. § 794, et seq., to remedy what they allege are pervasive and persistent access barriers at poll sites operated by the Board of Elections in the City of New York (the “BOE”). On October 28, 2010, after finding that Plaintiffs could not meet the stringent standard of showing a substantial likelihood of success on the merits required for a mandatory injunction, this Court denied Plaintiffs’ Motion for a Preliminary Injunction.

Plaintiffs now move for summary judgment on the issue of Defendants’ liability for violations of Title II of the ADA and Section 504. Defendants cross-move for summary judgment on Plaintiffs’ claims. For the reasons set forth herein, Plaintiffs’ Motion for Summary Judgment is GRANTED, and Defendants’ Motion for Summary Judgment is DENIED.

**I. BACKGROUND**

Unless otherwise noted, the following facts are undisputed.

The United States Census Bureau’s 2010 American Community Survey 1–Year estimates that, among the non-institutionalized people in New York City ages 18–64, 67,000 persons have vision difficulties and 222,469 persons have ambulatory difficulties. (Pls.’ 56.1 Stmt., ¶ 132.) Among the non-institutionalized population in New York City ages 65 and over, 78,502 persons have a vision difficulty and 267,563 persons have an ambulatory difficulty. (*Id.*, ¶ 133.)

**A. The Parties**

Organizational Plaintiffs United Spinal Association (“United Spinal”) and Disabled In Action (“DIA”) are membership organizations that consist of people with mobility and/or vision disabilities who reside in New York City and are registered to vote. (Pls.’ 56.1 Stmt., ¶ 134.) United Spinal is a nonprofit disability rights and veterans service organization whose mission is to provide expertise, create access to resources, and strengthen hope, thereby enabling people with spinal cord injuries and disorders to fulfill their potential as active members of their communities. (*Id.*, ¶ 135.) United Spinal engages in voting advocacy on behalf of its members, including advocacy campaigns for accessible polling places, participating in legislative processes regarding voting issues, and educating its members on their voting rights. (*Id.*, ¶ 136.) Almost 1,000 members of United Spinal reside in New York City. Many members are registered voters with disabilities who have encountered obstacles, or are at risk of encountering obstacles, at their polling places in New York City. (*Id.*, ¶ 137.)

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DIA is a nonprofit civil rights organization committed to ending discrimination against people with disabilities, which consists primarily of, and is directed by, people with disabilities. (*Id.*, ¶ 140.) The majority of DIA members are wheelchair users or those who have mobility disabilities. DIA has approximately 200 members in the metropolitan New York region, many of whom are registered voters with disabilities who have encountered obstacles, or are at risk of encountering obstacles, at their polling places in New York City. (*Id.*, ¶ 141.)

The BOE is responsible for identifying and designating poll sites that are accessible to voters with disabilities throughout New York City. (Pls.' 56.1 Stmt., ¶ 2.) Pursuant to the Help America Vote Act ("HAVA"), the BOE received federal funds from which it was authorized to make, and did make, expenditures. The federal \*618 grant was approximately \$1.6 million. (*Id.*, ¶ 3.)

#### *B. CIDNY and Poll-Site Accessibility Surveys*

Under HAVA, the Protection and Advocacy for Voter Access ("PAVA") program was established by the New York State Commission on Quality of Care and Advocacy for Persons with Disabilities to ensure the full participation of individuals with disabilities in the electoral process. The Center for Independence of the Disabled, New York ("CIDNY") is the downstate regional PAVA office. (*Id.*, ¶ 5.) Rima McCoy, who served as Voting Rights Coordinator for CIDNY from July 2008 until December 16, 2011, states that

[w]hat appears to be a small barrier to the untrained eye, may actually be prohibitively embarrassing, uncomfortable, or arduous for a person with a disability to overcome. For example, where there is no signage to an accessible entrance, a person in a wheelchair may find themselves stranded and wandering down back alleys, searching for an accessible way inside. If there is rain, this situation is uncomfortable. If it is night time, this may not be safe. If the person's disability causes them to be fatigued quickly, this may be arduous at best. When a person is forced to cast a ballot on the sidewalk, it is humiliating and deeply alienating. These barriers not only impede access in the moment someone is voting, but also cast a chill on people with disabilities' willingness to participate in future elections and confront the same kind of discriminatory and humiliating treatment.

(McCoy Decl., ¶ 19.)

The Department of Justice ("DOJ") has created an ADA Checklist for Polling Places for poll-site accessibility. (Pls.' 56.1 Stmt., ¶ 11.) CIDNY has been inspecting poll sites for accessibility since at least 2008. Inspections have been conducted by CIDNY staff and volunteers using a form checklist based on the DOJ ADA Checklist for Polling Places. (*Id.*, ¶ 12; Defs.' Resp. Pls.' 56.1 Stmt., ¶ 12.) The DOJ Checklist "is designed to help voting officials determine whether a polling place has basic accessible features needed by most voters with disabilities." (McCoy Decl. Ex. A, p. 4.) The Checklist states that "[i]ndividuals completing the checklist do not necessarily need to be experienced in evaluating buildings and facilities for accessibility." (*Id.*) In fact, the only special equipment necessary for completion of the checklist is a metal tape measure at least 15-foot long and a level with a bubble measure or digital measure at least twenty-four inches long. (*Id.*, p. 5.) The DOJ Checklist prompts the user to check that sidewalks and walkways are free from objects that could impede blind or mobility-impaired voters, that ramps are wide-enough and do not have excessive slope, that accessible entrances are marked with appropriate signage when the main entrance to the poll site is not accessible, that doors at the accessible entrance provide sufficient clearance and are propped open if they cannot be opened easily, and that the route through the voting area is sufficiently wide. (*See generally, id.*)

CIDNY inspectors were trained on how to use levels and measuring tapes to identify the existence and severity of barriers at polling sites. Trainees practiced using a level to take slope measurements and viewed illustrations, photos, and props to simulate barriers. (McCoy Decl., ¶ 23.) CIDNY generally selects poll sites to inspect based on complaints from consumers or availability of inspectors. For the September 2010 and November 2011 elections, CIDNY surveyed a random sample of poll \*619 sites identified by an expert statistician for Disability Rights Advocates. (*Id.*, ¶ 25.)

CIDNY has summarized the data from poll-site accessibility checklists and created summary spreadsheets for at least the 2008 through 2011 elections. (Pls.' 56.1 Stmt., ¶ 25.) CIDNY submits these summary spreadsheets to the BOE every year. (*Id.*) In its 2011 Poll Worker's Manual on Disability Awareness, the BOE stated that

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“Each year, CIDNY ... finds large objects obstructing pathways at Poll Sites.” (Seaborn Decl. Ex. E, p. 33.)

*C. November 2011 Surveys*

CIDNY surveyed poll sites during the General Election held on November 8, 2011. (Pls.' 56.1 Stmt., ¶ 33.) At P.S. 51, located at 87–45 117th Street in Queens, the ramp was only 33 inches wide and did not comply with DOJ Guidelines. (*Id.*, ¶ 36.) Defendants admit that the ramp is less than 36 inches wide, but state that the ramp is a permanent ramp and that Plaintiffs have not provided evidence that there is an alternative accessible site. (Defs.' Resp. Pls.' 56.1 Stmt., ¶ 36.) Plaintiffs also state that there was no sign at the inaccessible main entrance to P.S. 51 indicating the location of the accessible entrance. (Pls.' 56.1 Stmt., ¶ 37.) Defendants state that they have a policy of placing appropriate signage, and if there was a problem with the signage at P.S. 51, Defendants were not notified of it. (Defs.' Resp. Pls.' 56.1 Stmt., ¶ 37.) Plaintiffs also state that the Ballot Marking Device (“BMD”) was positioned too close to the wall so that there was not enough space for a wheelchair user to access it. (Pls.' 56.1 Stmt., ¶ 38.) Defendants state that they have a policy of placing voting equipment so that it is accessible, and if the equipment was improperly placed, Defendants were never notified of it. (Defs.' Resp. Pls.' 56.1 Stmt., ¶ 38.)

At P.S. 175, located at 64–35 102nd Street in Queens, the BMD was placed facing towards the interior of the room, which meant that users would not have privacy. (Pls.' 56.1 Stmt., ¶ 39.) Defendants state that they have a policy of placing BMDs to allow for privacy, and if the machine was placed improperly, they were not made aware of it. (Defs.' Resp. Pls.' 56.1 Stmt., ¶ 39.)

At P.S. 99, located at 82–37 Kew Gardens Road in Queens, CIDNY surveyors found that the voting area did not have the 36 inch pathway needed for wheelchair users in many places and that the ADA privacy booth was improperly placed. (Pls.' 56.1 Stmt., ¶ 40.) Defendants state that the BOE has a policy of placing voting equipment in an accessible manner, and if the equipment was improperly placed, they were not notified of it. (Defs.' Resp. Pls.' 56.1 Stmt., ¶ 40.)

At P.S. 190, located at 68–17 Austin Street in Queens, CIDNY surveyors noted a door that was “very heavy” and an automatic door opener that did not work, along with an improperly placed BMD. (Pls.' 56.1 Stmt., ¶¶

41–42.) Defendants state that they were not made aware that the automatic door opener did not work and that the BMD was repositioned once a poll worker was made aware of the inaccessible placement. (Defs.' Resp. Pls.' 56.1 Stmt., ¶¶ 41–42.)

CIDNY surveyors recorded similar problems at several other poll sites during the November 2011 General Election, including at Los Tres Unidos HUD residence, located at 22 East 112th Street in Manhattan (inadequate signage, door saddle/lip higher than 1 inch, objects obstructing pathways in the voting area), 1199 HUD residence located at 420 East 111th Street in Manhattan (doorway too small, inaccessible buzzer at entrance), P.S. 19, located at 40–32 99th Street in Queens (no \*620 sign and locked door at accessible entrance, furniture blocking interior pathway), P.S. 127, located at 98–01 25th Avenue in Queens (furniture blocking access at top of ramp), Taiwan Center, located at 137–44 Northern Boulevard in Queens (steep ramp without landing or handrails, BMD improperly placed), and Flushing House, located at 3820 Borne Street in Queens (BMD and ADA privacy booth improperly placed). (Pls.' 56.1 Stmt., ¶¶ 45–56.) Defendants contend that with these sites, as with the others, that Plaintiffs have failed to suggest alternative sites and that Defendants were not told about problems that could have been corrected during voting. (Defs.' Resp. Pls.' 56.1 Stmt., ¶¶ 45–56.)

*D. September 2010 Surveys*

During the September 2010 Primary Election, CIDNY surveyors inspected 53 poll sites out of the 628 poll sites in Manhattan and Queens used in that election. (Pls.' 56.1 Stmt., ¶¶ 62–63.) At P.S. 196, located at 71–25 113th Street in Queens, the accessible entrance was around a long block from the inaccessible entrance, and inside the voting area, a table obstructed the pathway to the BMD. (*Id.* ¶ 64.) At P.S. 13, located at 55–01 94th Street, there was no sign at the inaccessible main entrance to direct voters to the accessible entrance. The door to the accessible entrance was locked and the bell did not work. Once inside, there was no signage to direct voters to take the elevator up to the voting area or to inform voters of which floor the voting area was located on. Once inside the voting area, the ADA privacy booth was placed so that it was inaccessible. (*Id.*, ¶ 66.)

At VFW Post 2477, located at 89–07 Astoria Boulevard in Queens, the ramp was actually “two ramps put together”



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and was so steep that the CIDNY surveyor, Ramon Santos, “almost fell backward.” (Pls.’ 56.1 Stmt., ¶ 68.)

During the September 2010 election, Denise McQuade, who uses a wheelchair, went to vote at her polling place located at P.S. 102 in Bay Ridge, Brooklyn. (*Id.*, ¶ 69.) When Ms. McQuade and her husband arrived at P.S. 102, they went to the rear of the building to enter the polling place through the accessible entrance. Upon opening a door, they saw “an extremely steep ramp-like a ski slope” that “appeared to be made of concrete and to be a permanent part of the building.” Ms. McQuade was “very frightened to use the ramp because there was no landing at the top of the ramp and this would make [it] impossible for us to exit safely without assistance.” (*Id.*, ¶ 70.) To enter P.S. 102, Ms. McQuade’s husband had to push her wheelchair against the door, which opened inward, to enter. Immediately upon crossing the threshold of the entrance, her husband had to pull back on the handles of her wheelchair to keep her wheelchair “from plunging down the ramp at break-neck speed.” (*Id.*, ¶ 71.) After voting, Ms. McQuade had to ask a policeman on duty for assistance in opening the door, because the door opened inward and there was no landing. It would have been impossible for her husband to hold her wheelchair in place on the ramp and open the door. There was no poll monitor to assist Ms. McQuade. (*Id.*, ¶ 72.) After this experience at P.S. 102, Ms. McQuade was afraid to go back to vote during subsequent elections and “decided it would be safer for [her] to use an absentee ballot, than to try to enter the polling place again” even though she prefers to vote alongside her neighbors and community. (*Id.*, ¶ 73.) Ms. McQuade used an absentee ballot during the November 2011 election because of the barriers encountered in September 2010. (*Id.*, ¶ 74.)

\*621 The ramp at P.S. 102 is located at the only accessible entrance to the facility. Ms. McCoy measured the slope of the ramp and found that it was “significantly steeper than 1:12, which is what is required by the ADA.” (Pls.’ 56.1 Stmt., ¶ 75.) Ms. McCoy suggested two alternative poll sites to replace P.S. 102, namely, Xaverian High School and the Bay Ridge Public Library. (*Id.*, ¶ 76.) Despite the BOE having knowledge regarding the ramp that was not ADA compliant at P.S. 102, that site was used again as a polling place during the November 2011 election. (Pls.’ 56.1 Stmt., ¶ 77.) Defendants admit as much, but state that the facility is scheduled to be made accessible in the near future and that no other facility has been determined to

meet the BOE’s needs. In the interim, the BOE has notified all voters who are assigned to that poll site and offered to transfer their registration to an accessible poll site. (Defs.’ Resp. Pls.’ 56.1 Stmt., ¶ 77.) Defendants do not state when they expect P.S. 102 will be made accessible or what efforts they have made to find an alternative poll site.

#### *E. November 2010 Surveys*

During the November 2010 General Election, CIDNY inspected 53 polling places. (Pls.’ 56.1 Stmt., ¶ 78.) At P.S. 146, located at 98–01 159th Avenue in Queens, the slope of the ramp was steeper than the maximum 1:12 allowed. (*Id.*, ¶ 79.) At Sarasota Gold, located at 711 Seagirt Avenue, the BMD was placed four feet from the wall, making it extremely difficult for someone using a wheelchair or scooter to access the machine. (*Id.*, ¶ 80.)

#### *F. BOE Surveys of Poll Sites, Site Selection, and Monitoring*

The BOE currently employs 25 full-time surveyors, each of whom was trained and certified as competent to conduct poll site surveys by CIDNY. (Defs.’ 56.1 Stmt., ¶ 4.) The BOE previously determined that two poll sites were fully inaccessible. Those sites are P.S. 119 in Brooklyn and P.S. 2 in Queens. Further surveying has revealed other sites that do not fully meet accessibility standards. (Defs.’ 56.1 Stmt., ¶ 6.) Poll sites in the Bronx at 1591 Metropolitan Store Room and 2051 St. Raymonds Avenue were used in the November 2011 election. (Pls.’ 56.1 Stmt., ¶ 57.) The BOE’s surveyors at 1591 Metropolitan Store Room determined that the ramp was not ADA compliant because it had no handrails on the second ramp and a dangerous wood platform. (*Id.*, ¶ 59.) The BOE’s surveyors at 2051 St. Raymonds Avenue determined that the ramp at that site was not ADA compliant because it had no landings or top platform. (*Id.*, ¶ 60.)

The Board of Elections does not have an ADA coordinator or person designated as having primary responsibility for ensuring compliance with the ADA, as required by 28 C.F.R. 35.107. (Pls.’ 56.1 Stmt., ¶ 85.) The BOE does not have an Accessibility Transition Plan or Written Plan pursuant to 28 C.F.R. 35.150(d). (*Id.*, ¶ 86.)

A number of Board of Education sites (i.e., public schools) that are used as poll sites are not architecturally and structurally fully compliant with the ADA. (*Id.*, ¶ 88.) Defendants contend that such sites are made compliant

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to the greatest extent possible using temporary measures, and Plaintiffs have not suggested alternative sites to replace the inaccessible ones. (Defs.' Resp. Pls.' 56.1 Stmt., ¶ 88.) The BOE is not precluded from using private sites for polling places. Private sites receive a \$70 stipend and can enter into lease agreements with the BOE to allow use as polling sites. (Pls.' 56.1 Stmt., ¶ 93.) The BOE has a surveyor team that is responsible for searching for fully accessible voting sites as substitutes for sites \*622 that are inaccessible. (*Id.*, ¶ 95.) The State Board of Elections designated CIDNY as the entity to provide training and to certify BOE site surveyors as qualified. (Defs.' Resp. Pls.' 56.1 Stmt., ¶ 98.)

On Election Day, the BOE is notified of some access barriers that arise at polling places and keeps track of these complaints. Examples of recent complaints in the November 2010 election include the absence of temporary ramps or ramp parts and the general inaccessibility of a site. (Pls.' 56.1 Stmt., ¶ 104.) Defendants' Call Incident Logs often fail to indicate that any action was taken in response to a complaint. In November 2010, Defendants received a complaint that P.S. 164 in Queens needed a ramp. The Call Incident Log does not indicate that Defendants ever responded to this complaint. (Pls.' 56.1 Stmt., ¶ 106.) That same election, P.S. 153 in Manhattan was reported as "no ramp, no access." Again, Defendants Call Incident Log does not indicate that any action was taken. (*Id.*, ¶ 108.)

During the November 2011 election, two complaints regarding the BMD machines were made to the BOE regarding the Selis Manor poll site located at 135 West 23rd Street in Manhattan. (*Id.*, ¶ 115.) Selis Manor is a HUD building which consists of around 200 apartments and over 300 residents. Around 90% of the residents are blind and 10% are mobility impaired. Selis Manor should have two BMD machines. (*Id.*, ¶ 116.)

Paula Wolff, President of Plaintiff DIA, votes at Selis Manor. When Ms. Wolff voted in 2011, at around 7:00 p.m., there was only one BMD machine at the site, the machine was not functioning, and poll workers were not trained properly on how to work the machine. (*Id.*, ¶ 117.) BOE reports indicate that a call complaining about the BMD machine came in at 2:46 p.m., but that no one from BOE was dispatched and the machine was never repaired. (*Id.*, ¶ 119.) The poll worker had to read the ballots to residents voting at Selis Manor and the voters told the

poll worker who they were voting for, thereby denying voters with vision impairments the opportunity to vote independently. (Pls.' 56.1 Stmt., ¶ 120.)

## II. DISCUSSION

### A. Summary Judgment Standard

A district court should grant summary judgment when there is "no genuine dispute as to any material fact," and the moving party is entitled to judgment as a matter of law. Fed.R.Civ.P. 56(a); *see also Allianz Ins. Co. v. Lerner*, 416 F.3d 109, 113 (2d Cir.2005). Genuine issues of material fact cannot be created by mere conclusory allegations. *Victor v. Milicevic*, 361 Fed.Appx. 212, 214 (2d Cir.2010). Summary judgment is appropriate only when, after drawing all reasonable inferences in favor of a non-movant, no reasonable trier of fact could find in favor of that party. *Melendez v. Mitchell*, 394 Fed.Appx. 739, 740 (2d Cir.2010).

In assessing when summary judgment should be granted, "[t]he mere existence of a scintilla of evidence in support of the [non-movant's] position will be insufficient; there must be evidence on which the jury could reasonably find for the plaintiff." *Id.* (citing *Jeffreys v. City of New York*, 426 F.3d 549, 554 (2d Cir.2005)). The non-movant may not rely upon speculation and/or conjecture to overcome a motion for summary judgment. *Burgess v. Fairport Cent. Sch. Dist.*, 371 Fed.Appx. 140, 141 (2d Cir.2010). Instead, when the moving party has documented particular facts in the record, "the opposing party must come forward with specific evidence demonstrating the existence of a genuine dispute of material fact." *FDIC v. Great Am. Ins.* \*623 *Co.*, 607 F.3d 288, 292 (2d Cir.2010) (citing *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 249, 106 S.Ct. 2505, 91 L.Ed.2d 202 (1986)). Establishing such evidence requires going beyond the allegations of the pleadings, as the moment has arrived "to put up or shut up." *Weinstock v. Columbia Univ.*, 224 F.3d 33, 41 (2d Cir.2000). Thus, unsupported allegations in the pleadings cannot create a material issue of fact. *Id.*

A court faced with cross-motions for summary judgment need not "grant judgment as a matter of law for one side or the other," but "must evaluate each party's motion on its own merits, taking care in each instance to draw all reasonable inferences against the party whose motion is under consideration." *Heublein, Inc. v. United States*, 996



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F.2d 1455, 1461 (2d Cir.1993) (*quoting Schwabenbauer v. Bd. of Educ. of Olean*, 667 F.2d 305, 313–14 (2d Cir.1981)).

*B. ADA and Section 504 Claims*

[1] Under Subtitle A of Title II of the ADA, “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” 42 U.S.C. § 12132. Similarly, Section 504 of the Rehabilitation Act provides that “[n]o otherwise qualified individual with a disability in the United States ... shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” 29 U.S.C. § 794(a). In this Circuit, plaintiffs establish a *prima facie* violation of Title II when they show that: (1) plaintiffs are “qualified individuals” with a disability; (2) defendants are subject to the ADA; and (3) plaintiffs were denied the opportunity either to participate in or to benefit from defendants’ services, programs, or activities, or were otherwise discriminated against by defendants, by reason of plaintiffs’ disabilities. *Henrietta D. v. Bloomberg*, 331 F.3d 261, 272 (2d Cir.2003). For purposes of Section 504, Plaintiffs must also establish that Defendants are recipients of federal funds. *Id.* at 272. The only element at issue here is element three, namely, whether Plaintiffs have shown sufficiently that they were denied the opportunity to participate in or benefit from Defendants’ voting program by reason of their disabilities.

[2] Defendants first argue that Plaintiffs’ claims must fail as there is no evidence that any voter has actually been deprived of the right to participate in an election. (Defs.’ Mem. L. Supp. Mot. Dismiss, p. 10.) This interpretation, which would demand that an individual was actually deprived of the right to cast a ballot, is overly broad and unsupported by any precedent. It is abundantly clear that Defendants are obligated to provide a level of access to their voting program beyond the simple assurance that voters with disabilities are able to cast a ballot in some way, shape, or form.

[3] Regulations promulgated by the DOJ to implement the ADA provide that “[a] public entity shall operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.”

28 C.F.R. § 35.150. It is well-established in this Circuit that although the ADA and its implementing regulations do not require “equal access” or “equal results” for individuals with disabilities, those individuals must be provided with “meaningful access” to a public entities programs and activities. *See Civic Ass’n of the Deaf of New York \*624 City, Inc. v. City of New York*, No. 95 Civ. 8591, 2011 WL 5995182, at \*9 (S.D.N.Y. Nov. 29, 2011) (finding that a “meaningful access” rather than an “equal access” or “equal results” standard applied to ADA and Section 504 claims); *see also Henrietta D.*, 331 F.3d at 275 (finding that the measure is “whether the plaintiffs with disabilities could achieve meaningful access, and not whether the access the plaintiffs had (absent a remedy) was *less* meaningful than what was enjoyed by others.”) (emphasis in original).

In the voting context, another court in this District has found that “[f]ailing to ensure that disabled individuals are able to vote in person and at their assigned polling places—presumably the most commonly used method of voting—could not reasonably be construed as consistent with providing ‘meaningful access’ to the voting process.” *Westchester Disabled on the Move, Inc. v. County of Westchester*, 346 F.Supp.2d 473, 478 (S.D.N.Y.2004); *see also Kerrigan v. Philadelphia Board of Election*, No. 07 Civ. 687, 2008 WL 3562521, at \*17–\*18 (E.D.Pa. Aug. 14, 2008) (finding voting by absentee ballot or by emergency ballot at city hall an inadequate substitute for mobility-impaired voters who encountered barriers at their assigned polling places on election day). It is no excuse that the BOE does not own the locations used as poll sites on election days, as the ADA Title II Technical Assistance Manual also provides guidance on leased spaces:

Public entities are encouraged, but not required, to lease accessible space. The availability of accessible private commercial space will steadily increase over time as the title III requirements for new construction and alterations take effect. Although a public entity is not required to lease accessible space, once it occupies a facility, it must provide access to all of the programs conducted in that space.... Thus, the more accessible a space is to begin with, the easier and less

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costly it will be later on to make programs available to individuals with disabilities and to provide reasonable accommodations for employees who may need them.

The Americans with Disabilities Act Title II Technical Assistance Manual, § II-6.4000 (available at <http://www.ada.gov/taman2.html>) (last visited July 2, 2012).

This Court finds that there is no genuine dispute of material fact as to the existence of pervasive and recurring barriers to accessibility on election days at poll sites designated by the BOE. Plaintiffs, through the use of CIDNY surveys, have provided copious documentation of barriers at poll sites, ranging from ramps that are unsafe or missing to missing signage and improper placement of voting equipment and furniture in voting areas. Defendants themselves admit that more than two poll sites do not meet accessibility standards. (Defs.' Mem. L. Supp. Mot. Dismiss, p. 4.)

Nevertheless, the ADA does not, as Plaintiffs seem to suggest, require perfection. *See, e.g., Westchester Disabled on the Move*, 346 F.Supp.2d at 480 (denying a motion for a preliminary injunction where the court found it unlikely that enough accessible structures existed and where modifications to existing structures would be "difficult, if not impossible" for the defendant board of elections to make alone); *New York v. County of Delaware*, 82 F.Supp.2d 12, 18 (N.D.N.Y.2000) (recognizing that certain changes necessary to make poll sites fully accessible were not "feasible"); *Hill v. New York State Board of Elections*, 120 A.D.2d 55, 57, 507 N.Y.S.2d 674 (N.Y.2d Dep't 1986) (recognizing that the extent to which polling places must be made accessible involves "matters of administrative judgment, discretion \*625 and allocation of resources and priorities"). The ADA's implementing regulations themselves contemplate some flexibility. 28 C.F.R. § 35.150, which governs existing facilities, states:

(a) General. A public entity shall operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. This paragraph does not—

(1) Necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities;

(2) Require a public entity to take any action that would threaten or destroy the historic significance of an historic property; or

(3) Require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. In those circumstances where personnel of the public entity believe that the proposed action would fundamentally alter the service, program, or activity or would result in undue financial and administrative burdens, a public entity has the burden of proving that compliance with § 35.150(a) of this part would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the head of a public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in such an alteration or such burdens, a public entity shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the public entity.

(b) Methods—

(1) General. A public entity may comply with the requirements of this section through such means as redesign or acquisition of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, use of accessible rolling stock or other conveyances, or any other methods that result in making its services, programs, or activities readily accessible to and usable by individuals with disabilities. A public entity is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section. A public entity, in making alterations to existing buildings, shall meet the accessibility requirements of § 35.151. In choosing among available

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methods for meeting the requirements of this section, a public entity shall give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate.

28 C.F.R. § 35.150.

Likewise, the Rehabilitation Act's implementing regulations also provide:

(a) A recipient shall operate each program or activity so that the program or activity, when viewed in its entirety, is readily accessible to and usable by handicapped persons. This paragraph does not necessarily require a recipient to make each of its existing facilities or every part of an existing facility accessible \*626 to and usable by handicapped persons.

[4] Accordingly, it is not self-evident, as Plaintiffs claim, that a violation of Title II or Section 504 of the Rehabilitation Act necessarily follows when the BOE designates a poll site that is less than ideally accessible, or when, over the course of an election day, conditions arise that may render an otherwise accessible poll site inaccessible in some way. Rather, to demonstrate that individuals were deprived of an opportunity or benefit or discriminated against *by reason* of their disabilities, Plaintiffs must demonstrate that Defendants failed to undertake some feasible measure to improve accessibility or, in other words, that Defendants failed to provide disabled voters with reasonable accommodations. *See Henrietta D. v. Bloomberg*, 331 F.3d at 279 (“In so interpreting the ‘by reason of ... disability’ requirement, we are mindful of the fact that Title II seeks principally to ensure that disabilities do not prevent access to public service where the disabilities can reasonably be accommodated.”); *see also Kerrigan*, 2008 WL 3562521, at \*10 (“If Plaintiffs are able to make a prima facie showing of discrimination in violation of the ADA and RA, they have the additional burden ‘of articulating reasonable accommodations that the defendant can make in order to comply with the ADA and the RA.’”) (citing *Liberty Res. Inc. v. Philadelphia Hous. Auth.*, 528 F.Supp.2d 553, 565 (E.D.Pa.2007)).

This burden, however, is hardly insurmountable. “It is enough for the plaintiff to suggest the existence of a plausible accommodation, the costs of which, facially, do not clearly exceed its benefits and that once the plaintiff has done this, she has made out a prima facie showing that a reasonable accommodation is available, and the risk of nonpersuasion falls on the defendant.” *Henrietta D.*, 331 F.3d at 280; *C.D. v. New York City Dept. of Educ.*, No. 05 Civ. 7945, 2009 WL 400382, at \*7 (S.D.N.Y. Feb. 11, 2009) (“A reasonable accommodation is one that does not ‘impose an undue hardship on the operation of [a] program or activity.’”) (quoting 45 C.F.R. § 84.12(a)).

Accordingly, summary judgment would be inappropriate at this stage if there were a genuine dispute of material fact as to whether Defendants accommodate voters with vision and mobility-related impairments. This Court finds that there is none.

Defendants allege that they accommodate voters with disabilities in essentially two ways; by offering voters assigned to inaccessible poll sites the opportunity to have their registration transferred to a nearby accessible poll site; and by addressing other barriers, such as inadequate signage or inappropriately-placed furniture, as they are made aware of those barriers, either through complaints or through their own monitoring process. The evidence shows, however, that both of these methods fall short.

Defendants claim that voters assigned to P.S. 119 in Brooklyn and P.S. 2 in Queens are given the opportunity to have their registration transferred to a nearby accessible site. (Defs.’ Mem. L. Supp. Mot. Dismiss, p. 4.) By Defendants’ own admission, however, P.S. 119 and P.S. 2 are not the only sites that are fully inaccessible due to aspects of building construction that cannot be remedied by temporary measures on election days. (*See, id.*) The BOE fails to identify which other sites its surveys have revealed to be inaccessible, and does not make any representation that voters at those sites have been notified and offered the opportunity to have their registration transferred. Furthermore, Defendants have presented no evidence regarding \*627 their attempts to locate alternative poll sites to replace sites that are inaccessible.

Defendants concede that Rima McCoy suggested two alternative poll sites to replace P.S. 102 in Brooklyn, namely, Xaverian High School and Bay Ridge Public Library. (Defs.’ Resp. Pls.’ 56.1 Stmt., ¶ 76.) Nevertheless,

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they present no evidence that they ever evaluated these or any other sites as potential replacements. Instead, they claim that this suggestion is irrelevant in the absence of a representation from Ms. McCoy that her proposed sites are appropriate and available for use on election days. This Court declines to place such a burden on Plaintiffs in light of Defendants' utter failure to produce even a scintilla of evidence that they have evaluated these or any other sites in any way as potential replacements.

Defendants claim that poll workers are trained on accessibility issues, and that on election days, teams of monitors known as "AD Monitors" visit and inspect each poll site at least twice during the election day to check for accessibility issues, among other things. (Defs.' Mem. L. Supp. Mot. Dismiss, pp. 5–6.) It is clear, however, that no reasonable jury could find for Defendants on this point.

Plaintiffs have produced ample evidence of misplaced equipment and inadequate signage by poll workers that have reportedly been trained on accessibility issues, along with numerous reports from AD Monitors indicating that poll sites were not visited on election days, (*see*, Seaborn Decl. Ex. N), and calls to the BOE regarding accessibility issues with no resolution noted, (*see* Seaborn Decl. Ex. K). Defendants ask this Court to infer that if one AD Monitoring Team did not visit a poll site on election day, the poll site was visited by a different team, and that accessibility complaints were remedied even though no resolution was noted in the Call Incident Report. Even viewing the evidence in the light most favorable to Defendants, however, this Court simply cannot draw the inference Defendants advocate without a shred of evidence to support it. Defendants' evidence consists of mere unsupported assertions and conjecture that training is adequate and inspections are taking place. These bare assertions are insufficient to create a genuine dispute of material fact on this point. The only conclusion

that may be drawn from the evidence submitted in the Parties' respective Motions for Summary Judgment is that the Defendants have failed to accommodate reasonably voters with disabilities.

Plaintiffs, as an accommodation, have suggested that Defendants identify one individual among on-site poll workers at each location to monitor poll-site accessibility. Furthermore, Plaintiffs suggest that the BOE partner with a third party, such as CIDNY, to assess and identify accessibility needs and possible solutions prior to the 2012 Presidential Election in November. (Pls.' Mem. L. Supp. Mot. Summ. J., pp. 24–25.) The costs of these accommodations, on their face, do not clearly exceed the benefits in light of the significant evidence of Defendants' failures to provide poll sites that are as accessible as reasonably feasible. Accordingly, summary judgment is granted for Plaintiffs as to liability for their Title II and Section 504 Rehabilitation Act claims.

### III. CONCLUSION

Plaintiffs' Motion for Summary Judgment is GRANTED;

Defendants' Motion for Summary Judgment is DENIED; and

The case is referred to the Honorable Henry Pitman, Magistrate Judge, for the \*628 determination of remedy consistent with this Order.

SO ORDERED.

#### All Citations

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED SPINAL ASSOCIATION, a nonprofit  
organization, DISABLED IN ACTION, a  
nonprofit organization,

Plaintiffs,

-v.-

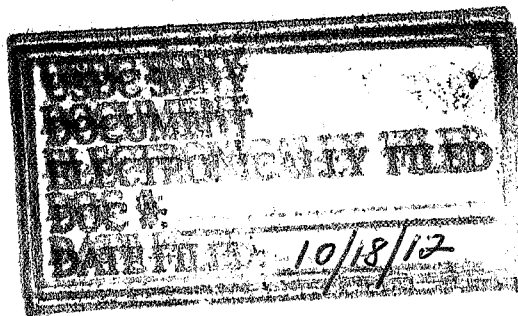
10 Civ. 5653 (DAB)  
ORDER

BOARD OF ELECTIONS IN THE CITY OF  
NEW YORK and JULIE DENT, in her  
official capacity as President of the  
Board of Elections in the City of New  
York,

Defendants.

-----X  
DEBORAH A. BATTS, United States District Judge.

On March 16, 2012, Plaintiffs United Spinal Association and Disabled In Action (collectively, "Plaintiffs") and Defendants Board of Elections in the City of New York ("BOE") and Julie Dent, in her official capacity as President of the BOE (collectively, "Defendants"), filed Motions for Summary Judgment in the above-referenced matter. On August 8, 2012, this Court entered a Memorandum and Order (the "August 8th Order"), which granted Plaintiffs' Motion and denied Defendants' Motion. Since its issuance of the August 8th Order, the Court has held three hearings focused solely on the question of appropriate remedy. By letter dated October 11, 2012, the Department of Justice, pursuant to 28 U.S.C. § 517, appeared and submitted a proposed



Order for a remedial plan. Plaintiffs and Defendants (collectively, "parties"), and the Department of Justice, were instructed to meet and confer to develop and propose a joint plan for the Court to consider before it entered a remedial Order in this matter. Having considered the parties' proposals and concerns, the Court hereby ORDERS that:

1. Accessible polling sites are and shall be the cornerstone of the voting accessibility program of the BOE. The BOE has an obligation to provide an accessible voting program under federal law.

2. The BOE shall maintain in operable working condition, on the day of any election, those features of facilities and equipment that are required to be provided by the BOE to make polling sites temporarily accessible to and usable by persons with disabilities.

3. Beginning with the November 6, 2012 General Election, and in all primary, special, and general elections held thereafter, the BOE shall designate one of the BOE's existing poll-site workers at every polling site in New York City as the on-site Americans with Disabilities Act Coordinator on Election Day ("On-Site Accessibility Coordinator"). The BOE shall contract with the Center for the Independence of the Disabled, New York ("CIDNY"), the downstate regional Protection and Advocacy for



Voter Access office, to train each of the On-Site Accessibility Coordinators on poll-site accessibility prior to the November 6, 2012 General Election. After the November 6, 2012 General Election, the BOE may contract with a third-party, mutually agreed upon by the parties, to develop training for each of the On-Site Accessibility Coordinators on poll-site accessibility. The BOE shall contract with CIDNY to develop an Election Day poll-site accessibility checklist to be used by On-Site Accessibility Coordinators on the date of any election.

(a) The BOE shall compensate CIDNY for the services it provides pursuant to this Order at a rate determined by this Court.

(b) This paragraph does not require the BOE to hire any additional staff at its poll sites.

4. The BOE's On-Site Accessibility Coordinators shall document any accessibility complaints received on the date of any election. Plaintiffs shall provide forms for this documentation to the BOE. The BOE shall submit a report detailing accessibility complaints received by On-Site Accessibility Coordinators to Plaintiffs within 45 days of any primary, special, or general election held during the term of this Order, with the exception of Primary Elections occurring in September. For Primary Elections occurring in September, the BOE shall

provide reports detailing accessibility complaints for a sample 35 randomly selected poll-sites within 45 days of such primary elections. The parties shall communicate in writing regarding which sites shall be sampled at least 30 days prior to each September Primary Election.

5. This matter is referred to Magistrate Judge Henry B. Pitman, who is designated by this Court to oversee the implementation of this Order, including inter alia any and all disputes among the parties concerning payments, selection of Third Party Experts, and the poll-site surveys to be conducted pursuant to this Order.

6. Attachment A to this Order contains a list of poll-sites, including those with accessibility barriers, which the parties identified in advance of the hearing on remedies held on September 10, 2012. Following each Election Day, parties shall meet and confer, and make a joint submission to Judge Pitman of an updated version of Attachment A, which shall incorporate:

- (a) any additional barriers at the BOE's poll sites;
- (b) the removal of any poll-sites identified from the BOE's list of active poll-sites; and
- (c) the removal of any poll-site barriers from the list where the parties agree that such barriers no longer exist at the identified poll-site.

The BOE shall ensure that the sites identified in the most updated version of Attachment A receive appropriate and sufficient temporary access features (such as portable ramps and sufficient signage) on the day of the election. For the November 6, 2012 General Election, the BOE shall, to the extent possible, ensure that the sites identified in Attachment A receive appropriate and sufficient temporary access features (such as portable ramps and sufficient signage) on that date.

7. Beginning with the November 6, 2012 General Election, and in all primary, special, and general elections held thereafter and during the term of this Order, Assembly District ("AD") Monitors employed by the BOE shall visit each polling site twice on the date of any such election to assess the accessibility of the poll site. The first visit to each site shall occur at least four hours prior to the second, and the AD Monitors shall, during said visits, take immediate steps to assist on-site poll workers to remedy any access barriers at the site, including, but not limited to, missing ramps, missing signage, and paths to voting machines that cannot accommodate persons with disabilities due to insufficient width.

(a) The AD Monitors shall complete CIDNY's poll-site accessibility training prior to November 6, 2012.

(b) Prior to each election held during the term of

this Order, the BOE shall communicate in writing to each AD Monitor visiting a polling site at which the BOE agreed to or was required by Court Order to implement a temporary modification, pursuant to Paragraph 15 of this Order. The communication shall identify the temporary modifications that are necessary to implement at that site.

(c) The AD Monitors shall document the results of their visits. The report shall state whether each temporary modification to which the BOE agreed pursuant to Paragraph 15, or was ordered to implement, was in fact implemented when the AD Monitors arrived at the polling site. If one or more of the temporary modifications was not implemented when the AD Monitors arrived at the polling site, the AD Monitors' report shall also state:

(1) the time the AD Monitor informed an on-site poll worker of the failure to implement the temporary modification;

(2) the name of the on-site poll worker with whom the AD Monitors spoke regarding the failure to implement the temporary modification; and

(3) whether the temporary modification was implemented before the AD Monitors left the polling site.

(d) Within 45 days of the date of any election, Defendants shall submit a report to Plaintiffs detailing:

(1) all access barriers found by the AD Monitors;

and

(2) any temporary modifications that the BOE failed to implement.

A sample form for this report is attached to this Order as Attachment B.

8. Defendants shall contract with, and provide reasonable compensation to, an independent third-party with expertise in voting accessibility ("Third Party Expert") to conduct poll-site accessibility surveys of the polling sites in New York City. The parties shall attempt to come to an agreement regarding the selection of the Third Party Expert. If the Parties cannot agree on the Third Party Expert by January 10, 2013, however, the parties shall, in writing, brief Judge Pitman as to their respective recommendations for the Third Party Expert. Judge Pitman shall designate the Third Party Expert.

9. The BOE will cooperate fully with the Third Party Expert as it conducts its survey work including, but not limited to, providing the Third Party Expert with assistance in accessing polling sites on non-election days and providing access to

election district maps and other reasonably requested information, including the identification of the voting area at each polling site, in a timely manner.

10. Beginning January 2013, the Third Party Expert will conduct surveys of as many polling sites as practicable, with a goal of no fewer than 120 polling sites every two months (the "Survey Period").

11. The Third Party Expert shall use the survey instrument, attached hereto as Attachment C, to evaluate polling sites pursuant to Paragraph 10 of this Order. In addition, the Third Party Expert will include photographs of relevant features at each polling site to accompany the survey instrument.

12. Within 20 days of the end of each Survey Period, the Third Party Expert shall provide to the BOE and the Plaintiffs, copies of all survey instruments completed and photographs compiled during the previous Survey Period.

13. Within 30 days of the end of each Survey Period, the Third Party Expert will report to Judge Pitman, the BOE, and the Plaintiffs, in writing, with the results of the surveys completed pursuant to Paragraph 10 of this Order and its recommendations regarding polling place locations that are not accessible (the "Report"). Each Report shall state:

(a) Whether each surveyed polling site can reasonably

be modified temporarily to be accessible on the day of any election after November 6, 2012, and, if so,

(i) what temporary modifications can be made, and

(ii) how such modifications can be accomplished;

(b) If the polling site is located in a publicly-owned building, whether it is reasonable to modify permanently any accessible polling site to make it accessible and how such modifications would be made; and

(c) Whether a temporary sign should be posted to direct voters with disabilities to an alternate accessible entrance, and where the sign should be posted.

14. If the Report concludes that a surveyed polling site cannot reasonably be modified temporarily, the BOE shall report to the Plaintiff and the Third Party Expert, within 60 days of receipt of the Report, in writing, whether that polling site can be relocated to a building that is accessible or can reasonably be made temporarily accessible, and the specific location(s) it recommends as the relocation site. In determining whether a polling site can reasonably be relocated, the BOE shall consider the following criteria:

(a) Whether the proposed relocation site is in the same election division that the polling site serves or an election division adjacent to the election division that the



polling site serves;

(b) Whether there are any significant dangers or obstacles that would preclude pedestrians from traveling safely to the proposed location, such as a park or major road or highway that cannot be safely traversed;

(c) Whether the building in which the polling site is proposed to be relocated is of sufficient size to accommodate a polling site or, if a polling site is already located there, whether the building is of sufficient size to accommodate an additional polling site; and

(d) Whether the location is unable to accommodate a polling site for mechanical or other physical or operational reasons.

If the BOE recommends a relocation site that is not accessible but can reasonably be made temporarily accessible, the BOE also will identify what temporary modifications can be made and how such modifications can be made.

15. As set forth under subsections (a) and (b) of this Paragraph, the BOE will implement recommendations made by the Third Party Expert Pursuant to Paragraph 13 of this Order, subject to its ability to challenge the recommendation under subsection (c) of this Paragraph.

(a) Other than the when excepted pursuant to subsection (c) of this Paragraph, during the term of this Order, the BOE shall implement all recommendations of the Third Party Expert to which it has agreed, beginning in the elections immediately subsequent to their agreement, unless

(i) the BOE's agreement was made within 45 days before the next election; and

(ii) the BOE determines that it is in its best interest to implement the recommendation in the next subsequent election, in which case the recommendation will be implemented in the next subsequent election.

(b) During the term of this Order, other than when excepted pursuant to subsection (c) of this Paragraph, the BOE will, in the next election subsequent to any additional Order issued by the Judge Pitman, implement said Orders, unless the Orders are appealed to this Court.

(c) If the BOE concludes that

(i) it cannot reasonably implement a recommendation;

(ii) relocation of the polling site to an alternate location is a more appropriate response to the recommendation; or

(iii) a polling site cannot be relocated;

then the BOE shall notify the Third Party Expert and the Plaintiffs and meet and confer with the Third Party Expert and the Plaintiffs (or their representatives). If the BOE and the Third Party Expert or the Plaintiffs are unable to agree as to the implementation of a recommendation, the BOE may petition the Judge Pitman for relief from the applicable recommendation pursuant to Rule 60 of the Federal Rules of Civil Procedure, subject to appeal. The BOE does not have to implement any recommendation from which it is seeking relief unless and until the Judge Pitman, or if appealed, a Final Order on Appeal, orders the BOE to implement the recommendation.

16. Attached to this Order is a survey instrument, Attachment C, which the BOE shall use to assess the accessibility of all future proposed polling site locations. The BOE shall continue to make accessibility a major criterion when it selects new locations for polling sites. The BOE shall continue its policy and practice of reviewing each newly proposed polling site location to determine whether it is accessible to persons with disabilities or could be made temporarily accessible before selecting a location as a polling site.

17. After the November 6, 2012 General Election, the Third Party Expert shall train employees of the BOE on using the survey

instrument and determining whether a polling site location is or can be made accessible. No later than 60 days before beginning the training, the Third Party Expert shall provide the BOE with a copy of the training materials that the Third Party Expert intends to use, and shall provide the BOE with a list of equipment and/or supplies the BOE inspectors will need to assess accurately the accessibility of the BOE's polling sites. During the term of this Order, the BOE may request additional training on a reasonable basis.

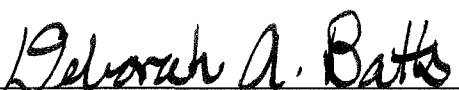
18. If at any time one of the parties desires to petition this Court to modify this Order, the party will promptly notify the other parties in writing, setting forth the facts and circumstances thought to justify modification, as well as the substance of the proposed modification. In such an instance, an in-person meeting between the parties shall be held prior to the petition to attempt resolution without Court intervention. Parties receiving notice of another party's intent to petition for modification of this Order shall notify the requesting party in a timely manner as to whether it will consent to the proposed modification.

19. The Court shall maintain jurisdiction over compliance with this Order through December 31, 2016. 30 days before the expiration of this period, the parties shall submit briefing to

the Court on the BOE's compliance with the Order, and make recommendations as to whether the Court should retain jurisdiction over the matter.

SO ORDERED.

New York, New York  
October 18, 2012

  
\_\_\_\_\_  
THE HONORABLE DEBORAH A. BATTS  
UNITED STATES DISTRICT JUDGE

ATTACHMENT A

POLLING SITES DESIGNATED AS INACCESSIBLE TO BE UPDATED WITH  
POLLING PLACE ACCESS SURVEY DATA FROM THE SEPTEMBER 2012 PRIMARY  
AND THE NOVEMBER 2012 GENERAL ELECTION

Borough	Poll Site	2009	2010	2011	
BRONX	PS 67 2924 Mohegan Ave				
	PS 6 100 East Tremont Ave				
	School Gym 1684 White Plains Road				
	PS 102, 1827 Archer St.				
	Basement 1920 McGraw Ave				
	Basement 1595 Unionport Road				
	Basement 2059 McGraw Ave				
	Basement 2051 St. Raymonds Ave				
	Store Room 1591 Metropolitan Ave				
	Basement 9 Metropolitan Oval				
	Parkchester Complex 1594 Unionport Road				
	JHS 127 1560 Purdy St				
	PS 12 255 Tratman Ave				
	Glebe Ctr 2125 Glebe Ave				
	PS 119 1075 Pugsley Ave		(1) No Accessible Entrance (BOE 350)		
	PS 47 1794 East 172 St.				
	James Monroe HS Annex 1551 East 172 St.				
	Holy Family Church 1971 Castle Hill Ave				



	IS 131 885 Bolton Ave				
	PS 138 2060 Lafayette Ave		(1) Portable ramp not set up properly (BOE 4103)		
	PS 69 560 Thieriot Ave				
	Comm Room 2050 Seward Ave				
	IS 174 456 White Plains Road		(1) Signage not posted outside (BOE 3741)		
	Bronx CTR for Rehab 1010 Underhill Ave				
	Grand Manor H.R.F. 700 White Plains Road				
	Hostos Comm College 120 East 149 <sup>th</sup> St.		(1) Elevator at accessible entrance out of order (BOE 4273) (2) Signage not properly posted outside (BOE 4624)		
	PS 73 1020 Anderson Ave				
	PS 11 1257 Ogden Ave		(1) Signage not properly posted outside (BOE 4740)		
	Apartment Bldg 1600 Sedgwick Ave				
	PS 229 CES 275 Harlem Riv Pk Bridge				
	Heights Sr. Citizen Ctr 200 West Tremont Ave				
	Craftroom #1 1771 Popham Ave				
	Antonia Diaz Houses 1454 Shakespeare Ave				
	IS 306 40 West Tremont Ave		Voting booths set up in a public hallway: "Due to		

			being placed in public hallway, there was a lot of traffic." (BOE 5106)		
	IS 117 1865 Morris Ave				
	PS 64 1425 Walton Ave				
	PS 70 1691 Weeks Ave				
	WM H Taft HS 240 East 172 <sup>nd</sup> St.				
	PS 53 – Annex 360 East 168 <sup>th</sup> St.				
	Church Hall 120 East 169 <sup>th</sup> St				
	JHS 145 1000 Teller Ave		(1) Signage not properly posted outside (BOE 3973, 4337)		
	County BLDG 851 Grand Concourse				
	Daughters of Jacobs 1160 Teller Ave				
	Comm Ctr 1155 University Ave				
	Craftroom #1 1553 University Ave				
	Dodge HS 2474 Crotona Ave				
	PS 32 690 East 183 St				
	JHS 45 2502 Lorillard Place				
	PS 23 Cafeteria 2151 Washington Ave				
	PS 85 2400 Marion Ave				
	PS 46 279 East 196 <sup>th</sup> St				
	PS 9 3010 Briggs Ave		(1) BMD keys never arrived and the machine wasn't in use. No remedy.		

			Unable to reach Board of Elections. (BOE 108)		
	Glad Tidings Assem 2 Van Cortlandt Ave E				
	MS 80 149 E. Mosholu Pkwy		"All outside signage" missing. (BOE 5004)  "BMD not opened – keys not located." (BOE 5006)		
	PS 33 2424 Jerome Ave				
	PS 86 2756 Reservoir Ave				
	Fordham Hill Complex 2455 Sedgwick Ave				
	PS 310 260 West Kingsbridge Rd				
	MS 143 120 West 231 St				
	Church of the Mediator 260 West 231 St				
	Grace Dodge Vocational HS 2474 Crotona Ave				
	Comm Room 555 Kappock St				
	Jewish Home & Hospital 100 W. Kingsbridge Rd				
	Comm Room 1880 Valentine ave				
	PS 57 2111 Crotona Ave				
	PS 92 700 East 179 St.				
	PS 44 1825 Prospect Ave		(1) Signage for accessible entrance not properly		

			posted (BOE 3825)		
	PS 4 1701 Fulton Ave				
	PS 50 1550 VYSE Ave				
	PS 61 1550 Crotona Park East				
	PS 66 1001 Jennings St				
	PS 55 450 St. Pauls Place				
	PS 132 450 St Pauls Place				
	PS 63 1260 Franklin Ave				
	C.I.S. 148 3630 3 Ave				
	Morris HS 100 Jackson Ave, Ent. 2				
	PS 120 890 Cauldwell Ave				
	PS 146 968 Cauldwell Ave				
	BX Regional HS 1010 Stebbins Ave				
	IS 166 250 East 164 St				
	Community Room 3131 Park Ave		(1) Signage: Directional arrows not posted outside (BOE 3871)		
	Comm Room 595 Trinity Ave				
	PS 130 750 Prospect Ave		(1) Signage for accessible entrance not posted (BOE 4612)		
	PS 29 758 Courtlandt Ave				
	PS 186 750 Jennings St				
	Comm Room 777 Concourse Village East		(1) Signage not posted outside at first visit (BOE		

			3868)		
	Lebanon Spec Care 1265 Fulton Ave				
	Comm Center 1950 Hutchinson River Pkwy				
	Apt House 1720 Mayflower Ave				
	Bronx House 990 Pelham Parkway South				
	Bronx Psych Center 1500 Waters Place				
	PS 108 1166 Neill Ave		(1) Signage for accessible entrance not properly posted (BOE 4126)		
	PS 83 Annex 1840 Bogart Ave				
	School Gym PS 105 725 Brady Ave				
	PS 96 650 Waring Ave				
	Chris Columbus HS 925 Astor Ave				
	Carriage Room 785 Pelham Pky No				
	PS 89 980 Mace Ave				
	PS 97 1375 Mace Ave				
	IS 144 2545 Gunther Ave				
	JHS 135 2441 Wallace Ave				
	PS 76 900 Adee Ave		(1) Signage not properly posted outside (BOE 4451)		
	Parkside Senior CT 644 Adee Ave				
	Social Center 2968 Bronx Park Est				
	PS 121 2750 Throop Ave				
	Immaculate				

	Conception 754 East Gun Hill Road				
	PS 41 3352 Olinville Ave		(1) Signage not properly posted outside (BOE 3857)		
	St Brendans School 268 East 207 St				
	PS 8 3010 Briggs Ave				
	Vladeck Hall 74 Van Cortlandt Park South		(1) Most signage never arrived (BOE 4171)		
	Comm Room 40 West Mosholu Pkwy S				
	Lobby 3410 Paul Ave				
	Kingsbridge Man Hgts 3422 Cannon Place				
	Beth Abraham 612 Allerton Ave				
	St. Patrick's Home 66 Van Cortlandt Park South				
	PS 94 3530 Kings College Place		(1) Signs for Accessible entrance not properly posted (BOE 3707)  Second AD Team: (2)"No signage outside." (BOE 5002)		
	Comm Center 3450 Dekalb Ave				
	PS 103 4125 Carpenter Ave				
	PS 16 4550 Carpenter Ave		(1) Accessible entrance closed, no door clerk present (BOE 4234)		
	PS 19				

	4318 Katonah Ave				
	Manhattan College 3840 Corlear Ave				
	Fort Independence Houses 3350 Bailey Ave		(1) No door clerk present (BOE 4220)		
	Hebrew Inst of Riverdale 3700 Henry Hudson Pkwy				
	Draddy Hall 4513 Manhattan College Pkwy				
	PS 81 5550 Riverdale Ave				
	YM YWHA 5625 Arlington Ave				
	MS/HS 141 660 West 237 St				
	The Arbor West 235 St & Arlington Ave				
	Auditorium 2995 Independence Ave				
	Basement 25 Knolls Crescent				
	Mt Hebon Bap Church 732 East 233 St				
	Hebrew Home 5901 Palisade Ave		No indication signage is present but note from AD Monitor: "Signage not needed. All we on premises." (BOE 4958)		
	St. Francis Dechantal 190 Hollywood Ave				
	Civic Hall 3300 Locust Pt Dr & Tierney Pl				
	Vol Fire House Edgewater Pk				
	PS 72 2951 Dewey Ave				



	Preston High School 2780 Schurz Ave				
	Senior Center Lounge 2705 Schley Ave				
	IS 192 650 Hollywood Ave				
	PS 101 2750 Lafayette Ave				
	PS 14 3041 Bruckner Boulevard				
	Presbyterian Church 3051 East Tremont Ave				
	PS 194 2365 Waterbury Ave		(1) Signage not properly posted outside (BOE 4483)		
	PS 71 3040 Roberts Ave				
	Hall 3243 Ampere Ave				
	Church Hall 3573 Bruckner Boulevard				
	PS 175 200 City Island Ave		(1) Exterior accessible entrance doors closed. "Outer doors were closed because of school children." (BOE 5029)  (2) Pre-cleared accessible poll site schematic appears to not be followed: "Things moved around because of safety for children." (BOE 5030)		
	Community Center #2 2049 Bartow Ave		(1) Signage not properly posted outside (BOE 4503)		
	Community Center				

	#3 135 Einstein Loop				
	Comm Cent AUD 177 Dreiser Loop				
	Olivett Gospel Asbly 3900 Dyre Ave				
	Holy Rosary Church 2950 Eastchester Road		(1) Signage for accessible entrance not posted properly (BOE 4465)		
	PS 78 1400 Needham Ave				
	Apartment Building 3410 Dereimer Ave				
	Community Center 3016 Yates Ave				
	Comm Room 745 Magenta St				
	St Luke's Church 777 East 222 St		(1) Signage not posted properly outside (BOE 4457)		
	PS 113 3710 Barnes Ave				
	Comm Room 3856 Bronx Boulevard				
	Baychester Youth Center 1220 East 229 <sup>th</sup> St				
	Edenwald Comm Center 1150 East 229 St				
	PS 68 4011 Monticello Ave				
	Boston Secor / Comm Center 3540 Bivona St				
	Mount St. Michael 4300 Murdock Ave		(1) Signage for accessible entrance not posted properly, no directional arrows (BOE 4433)		
	Laconia Nursing Home				

	1050 East 230 St				
	Walker Memorial Church 120 East 169 <sup>th</sup> St				
	IS 183 Gymnasium 339 Morris Ave				
	PS 154 333 East 135 St				
	Millbrook Comm Ctr 201 St. Anns Ave				
	PS 220 468 East 140 St				
	Borinquen Ct. Houses 285 138 St				
	Comm Room 375 East 143 St				
	Comm Room 225 East 149 <sup>th</sup> St		(1) Signage for accessible entrance not posted properly (BOE 4572)		
	Craftroom 277 East 153 St				
	Carmen Parsons Sr Ctr 441 East 155 <sup>th</sup> St				
	Apt. Building 372 East 152 St				
	Trinity Comm Ctr 595 Trinity Ave		(1) Accessible entrance door closed, no door clerk present (BOE 4533)		
	PS 1 335 East 152 St		(1) Signage not properly posted outside (BOE 4560)		
	PS 227 519 St Anns Ave				
	Community Room 401 St Anns Ave				
	Gilbert Ramirez Hses 455 East 138 St				
	PS 65 677 E 141 St				

	PS 5 564 Jackson Ave				
	S Gompers HS 455 Southern Boulevard				
	Maria Isabel Housing 787 East 149 St				
	PS 62 660 Fox Street				
	PS 48 1290 Spofford Ave				
	IS 183 / MS 203 339 Morris Ave				
	Harding Pk Comm Ctr 1820 Harding Park				
	PS 107 1695 Seward Ave				
	Comm Center 1000 Rosedale Ave				
	PS 77 1250 Ward Ave				
	PS 152 1007 Evergreen Ave				
	PS 123 1025 Morrison Ave				
	PS 93 1535 Story Ave				
	PS 150 920 East 167 Street				
	PS 75 984 Faile Street				
	IS 116 977 Fox Street				
	PS 60 888 Stebbins Ave				
	IS 74 730 Bryant Ave		(1) AD Comment "room is too far from entrance, and too small!" (BOE 1400)  (2)Second AD Monitoring Team: 5:40 pm "The old ramp (handicap)		

			was not used. New ramp was harder to use and was a larger distance to travel." (BOE 2742)		
			Exterior doors not easily opened frm the outside and no door clerk present. "Used front walkway and rap. Door locked at old ramp." <i>Id.</i>		
	PS 109 1771 Popham Ave				
	PS 26 1930 Andrews Ave				
	Sr Citizen HSE 228 West Tremont Ave				
	PS 15 2195 Andrews Ave				
	IS 206 2280 Aqueduct Ave				
	PS 91 2200 Aqueduct Ave				
	PS 79 125 East 181 St		(1) No Signage posted outside (BOE 4421)		
	Apt House 230 East 179 St				
	PS 163 2075 Webster Ave		(1) No signage posted outside (BOE 4389)		
	PS 28 1861 Anthony Ave		(1)Handicap sign missing. (BOE 720)		
Brooklyn					
	PS 631 76 Riverdale Ave				
	PS 184 273 Newport Street				
	PS 328 330 Alabama Ave				
	NYCHA Comm				

	Center 576 Blake Ave				
	PS 149 700 Sutter Ave		(1)Ramp not set up properly (BOE 1039)		
	PS 13 557 Pennsylvania Ave				
	PS 158 400 Ashford Street				
	PS 72 605 Shepherd Ave				
	Ps 159 2781 Pitkin Ave				
	Manta Rosa Sports Club 3386 Atlantic Ave				
	PS 218 IS 370 Fountain Ave				
	Linden PLZ Assoc 735 Lincoln Ave				
	Linden Plaza Building 675 Lincoln Ave				
	Apartment Building 760 Eldert Lane				
	PS 190 590 Sheffield Ave				
	PS 202 Hegeman Ave				
	PS 260 875 Williams Ave				
	PS 213 Mini School 1965 Linden Boulevard				
	PS 36 2045 Linden Boulevard				
	L.H. Pink C.C. 2702 Linden Boulevard				
	PS 224 755 Wortman Ave				
	Bldg 13 12399 Flatlands Ave				
	PS 273 923 Jerome St				

	Blvd Comm Ctr 726 Stanley Ave				
	PS 306 970 Vermont St		1) Ramp not set up properly and problem was not corrected  2) Not compliant with pre-cleared accessible schematic. "Principal moved schematics" . (BOE 1057)		
	Bldg 8 200 Cozine Ave				
	PS 279 1070 East 104 St				
	Breukelen's Project 715 East 105 Street				
	Vandalia Ctr 47 Vandalia Ave				
	PS 346 1400 Pennsylvania Ave				
	IS 364 Annex 1461 Geneva Loop				
	IS 364 1426 Freeport Loop				
	Ruby Weston Manor 2237 Linden Bvd		(1) Missing BMD Pedal and headphones (BOE 1022)		
	Bklyn United Methodist 1485 Dumont Ave				
	Adult Home 2830 Pitkin Ave				
	Tilden HS 5800 Tilden Ave				
	PS 251 1037 East 54 St				
	PS 208 4801 Avenue D				
	PS 68 JHS 956 East 82 Street		(1) Directional signage to accessible entrance		



			missing, not rectified. (BOE 373)		
	Basement 5816 Farragut Road				
	PS 203 5101 Avenue M				
	IS 395 / PS 109 10001 East 54 Street		(1) AD Comment "BMD was broken. Was tried to be fixed. Couldn't or wasn't." (BOE 369)		
	Howard Apartments 1655 Flatbush Ave				
	PS 119 3829 Avenue K				
	Early Childhood Ctr 3920 Flatlands Ave				
	PS 193 2515 Avenue L				
	PS 197 1599 East 22 Street		(1) No signage posted outside (AD Monitors had to do it)  (2) Ramp not properly set up.  (3) No door clerk (BOE 535-536)		
	J Madison HS 3787 Bedford Ave		(1) "Due to construction, 2 <sup>nd</sup> floor doorways too narrow for wheelchairs – they have to take a complicate route between several rooms." (BOE 356)		
	Kings Bay YM-YWHA 3495 Nostrand Ave				
	PS 206 2200 Gravesend Neck Road				
	PS 277 2529 Gerritsen Ave				
	PS 194 3093 Avenue W				

	IS 14 2424 Batchelder Street		(1) BMD broken (missing parts). No indication it was fixed. (BOE 387)		
	PS 286 2525 Haring Street				
	PS 52 2675 East 29 Street				
	Crown NH 2457 Nostrand Ave		(1) BMD became jammed and continued to have problems. (BOE 384)		
	Apt Hse Lobby 1641 Ocean Ave				
	Ed R Murrow HS 1600 Avenue L				
	Midwood Branch Library 975 East 16 <sup>th</sup> Street				
	Plaza Comm Rm 920 East 17 Street		1) Not compliant with pre-cleared accessible schematic. "Floor plan for this site is incorrect. Cannot set up as indicated. Water (some sort of leakage) on the floor, dripping, by accessibility entrance."  2)"Accessibility entrance: must go over speed bump, raised portion of sidewalk, downward slope" (BOE 1269)		
	PS 152 / PS 315 725 East 23 Street				
	Marlborough Grdns 386 Marlborough Rd				
	PS 139 330 Rugby Road		(1)AD Comment: "Site is definitely		

			not in compliance with regulations consistent with HAVA. Voters are walking from stage (sign up) up a hill/aisle to privacy booths. After marking ballot, back down to vote on scanner. After voting, back up hill/aisle to exit (BOE 1124)		
	PS 6 43 Snyder Ave		(1)BMD machine out of order as of 540 pm. Would not power up. (BOE 1173)		
	PS 249 18 Marlborough Road				
	PS 269 1957 Nostrand Ave				
	PS 181 1023 New York Ave		(1)Keys for BMD not delivered. Open as of 4:50pm (BOE 1176)		
	IS 246 72 Veronica Place				
	Stuy-Park Houses 77 New York Ave				
	Friends of Crown Hts 671 Prospect Place				
	PS 289 900 St Marks Ave				
	PS 138 760 Prospect Place				
	Crown Heights Apts 1055 St Johns Place				
	David Chavis Apts 230 Kingston Ave				
	Crown Grdns Comm Ctr 1185 Carrol Street				
	PS 161				

	330 Crown Street				
	St Marks Day School 1346 President Street				
	PS 167 1025 Eastern Parkway				
	PS 91 532 Albany Ave				
	PS 221 Mini School 900 Montgomery Street				
	PS 61 IS 400 Empire Boulevard				
	Reid Comm Rm 728 East New York Ave				
	Silver Hses 810 Midwood Street		(1)Not visited (no time noted and no survey boxes checked) (BOE 499)		
	PS 397 490 Fenimore Street				
	PS 235 525 Lenox Road				
	PS 135 684 Linden Boulevard		(1)"Wheel chair ramp is being assembled at 10:30am" (BOE 1164)		
	God's Battalion CH 661 Linden Boulevard				
	PS 92 601 Parkside Ave				
	Middle School 2 655 Parkside Ave				
	Dr. Susan McKinney 594 Albany Ave				
	John Jay HS 237 7 Ave		(1) Not compliant with pre-cleared accessible schematic. AD Comment is that Poll workers set up		

			poll room as they saw fit because the floor plan didn't work for the space provided. (BOE 90)  (2) Later: AD Commented with regard to persons who are handicapped "Need more door clerks because poll site room was moved to the 1 <sup>st</sup> floor." (BOE 1114)		
	MS 51 350 5 Ave		(1) BMD keys did not arrive until 8:30am. (BOE 105)		
	Hall 339 8 Street		(1) Ramp is missing hand rails.  (2) BMD keys not delivered (BOE 1108)		
	PS 107 1301 8 Ave				
	Park Slope YMCA 361 15 Street				
	Bishop Boardman Apartments 1615 8 Ave				
	PS 10 511 7 Ave		(1) Ramp not set up properly (BOE 1117)		
	IS 88 544 7 Ave		(1) Wrong key for BMD. Problem not remedied until 2pm. (2) No evidence of properly posted directional signs to accessible polling place entrance. (BOE 07-08 and		

			BOE 102)		
	PS 154 1625 11 Ave		(1)Door clerk walked out at 9am (BOE 1111)		
	Rose Gardens Assoc 829 Greenwood Ave				
	PS 130 70 Ocean Parkway		(1)AD Comments: "Need more wheelchair signs"  (2)"BMD machine non-functional"  (BOE 1131-1133)		
	PS 230 1 Albemarle Road		(1)AD Comment: "Accessible entrance is FAR from poll site"  (2)Accessible entrance interior doors are obstructed.  (BOE 1129)		
	PS 164 4211 14 Ave				
	PS 131 4305 Ft Hamilton Parkway				
	PS 179 480 East 3 <sup>rd</sup> Street		(1)"This site needs more wheelchair signs" (BOE 1137)		
	PS 62 JHS 700 Cortelyou Road		(1)No door clerk. (1126)		
	Marien Heim Ctr 870 Ocean Parkway				
	Agudath Sr Ctr 817 Ave H		(1)Exterior accessible entrance closed, not easily opened from outside.  (2)Interior doors obstructed (BOE		

			1151)		
	PS 217 1100 Newkirk Ave				
	PS 99 1120 East 10 Street				
	Cortelyou Br Library 1305 Cortelyou Road				
	JHS 62 700 Cortelyou Road				
	Palm Gardens 615 Ave C				
	PS 195 131 Irwin Street				
	Bay Academy – IS 98 1401 Emmons Ave				
	JASA Comm Ctr 161 Corbin Place				
	Rec Room 1311 Brightwater Ave		(1)No signs at the alternate accessible entrance. (BOE 520)		
	PS 209 2609 East 7 Street				
	St Marks School 2602 East 19 Street				
	PS 254 1801 Ave Y		(1)No Key for the BMD. Two telephone calls made. No indication of remedy. (BOE 564)		
	PS 216 350 Ave X				
	PS 153 1970 Homecrest Ave		(1)“There was not enough room for all of the privacy booths and very little room for anything else.” (BOE 555)		
	PS 234 IS 1875 East 17 Street				
	Sephardic Comm Ctr 1901 Ocean				



	Parkway				
	PS 238 1633 East 8 Street				
	St Brendans House 1215 Avenue O		(1)BMD not functional. (BOE 546)		
	PS 177 346 Avenue P		(1) Not visited except to drop off closing materials, not surveyed during election day. (BOE 214)		
	PS 185 8601 Ridge Boulevard		(1) AD Comment "Entrance is through lunch room and aisle may be too narrow for wheelchair." (BOE 329)		
	PS 104 9115 5 Ave		(1) No door clerk.  (2) AD comment: "Space too small." (BOE 341-342)		
	Apt House 28 Marine Ave		(1) Signage not properly posted outside main entrance.  (2) Accessible entrance doors closed.  (3) No door clerk present. AD Comment: "A door clerk would help" (BOE 334-335)		
	Apt House 9000 Shore Road				
	St John's Ch & Sr Ctr 461 99 Street		(1) No door clerk. (BOE 338)		
	Downstate SUNY Med Ctr 691 92 Street				
	Our Savior's Church		(1) No door clerk at		

	414 80 Street		alternative accessible entrance. (BOE 413)		
	PS 201 JHS 8010 12 Ave				
	PS 204 8101 15 Ave		(1) AD Comment "This site needs more handicap signs due to an inconvenient handicap accessible location. (at least 8 requested in AM)." (BOE 145)  (2) Later in the day: No sign for alternative accessible entrance. AD Comment "Not enough signs."  (3) AD comment "2 people wheel away." (BOE 322)		
	PS 229 1400 Benson Ave				
	Co-Op 2475 West 16 Street				
	Marlboro Comm Ctr 2298 West 8 Street				
	Youth Center 2735 Harway Ave		(1) No door clerk at this site. (BOE 182)		
	Co-Op Bldg 5C 545 Neptune Ave				
	Co-Op 2770 West 5 Street				
	Co-Op 425 Neptune Ave				
	W Grady Voc HS 25 Brighton 4 Road				
	YWHA				

	3300 Coney Island Ave				
	Brightwater Comm Rm 501A Surf Ave				
	Trump Village Bldg 2 3000 Ocean Parkway		(1) AD Comment "Accessible ramp/entrance is through the tenant area and a key is needed for the door."  (2) "There were not enough poll workers for a door clerk."  (3) No sign marking the alternative handicapped entrance or the directions to the alternative accessible entrance. (BOE 259-260)		
	Co-Op 458 Neptune Ave				
	Co-Op 2935 West 5 Street				
	Co-Op 444 Neptune Ave				
	Trump Village Bldg 1 2940 Ocean Parkway				
	Co-Op 2820 Ocean Parkway				
	Co-Op 2785 West 5 Street		(1) AD Comment "Room too cluttered for a wheelchair."  (2) "Every year the inspectors and voters complain about the therapy		

			room. It is never emptied out and the space inappropriate for its use!" (BOE 308)		
	Co-Op Bldg 7 2942 West 5 Street				
	Co-Op 2928 West 5 Street				
	PS 90 2840 West 12 Street				
	Liberation High School 2865 West 19 Street				
	PS 288 2950 West 25 Street				
	Haber House 3024 West 24 Street				
	PS 329 2929 West 30 Street				
	Comm Rm Bld #2 3030 Surf Ave		(1) No door clerk. (BOE 266)		
	NYCHA Project 2945 West 33 Street				
	Chapel 3715 Surf Ave				
	Sea Rise Apts 2750 West 33 Street		(1) No signage posted, or delivered.  (2) No BMD delivered in the morning.  (3) No record of either issue being fixed. (BOE 277)		
	PS 95 345 van Sicklen Street				
	Shore View NH 2865 Brighton 3 St				
	Youth Ctr 2735 Harway Ave				
	Contello Towers #2 2740 Cropsey Ave		(1) AD Comment "Door clerk needed		

			for accessible entrance doors.” (BOE 188).		
	Bldg 1 Comm Rm 2630 Cropsey Ave				
	Regina Pacis 2424 Cropsey Ave				
	PS 97 1855 Stillwell Ave				
	Beach Haven Ctr 675 Ave Z		(1) “No door clerk assigned” (BOE 194)		
	IS 228 228 Ave S & W 4 St		(1) Accessible entrance signs not properly posted.  (2) AD Comment “Handicapped entrance not changed – requires an elevator.”  (3) No Door clerk at accessible entrance.  (4) Accessible entrance appears shut for some of the day from AD Comment: “Door clerk cannot be at place assigned during recess when children are in the school yard. Must go back to original space. This doesn’t work.” (BOE 223-225)		
	PS 281 JHS 8787 24 Ave				
	Apt Bldg 8869 20 Ave		(1) AD Comment “Dark, dingy, inadequate lighting, and		

			<p>bathrooms unsanitary – voting area confined, pipes exposed.”</p> <p>(2) Key for BMD machine missing. (BOE 197)</p>		
	IS 281 8787 24 Ave				
	PS 128 8310 21 Ave				
	PS 682 50 Ave P				
	PS 247 7000 21 Ave				
	IS 96 99 Ave P		(1)Only visited to drop off closing materials, not surveyed during election day. (BOE 229)		
	PS 205 6701 20 Ave				
	PS 226 6006 23 Ave		(1)Only visited except to drop off closing materials, not surveyed during election day. (BOE 217)		
	PS 121 5301 20 Ave				
	Haym Salomon Home 2340 Cropsey Ave		<p>(1) Signage was not properly posted outside. AD monitor reported they were not able to locate a sign to post outside.</p> <p>(2) No directional arrows to the accessible entrance.</p> <p>(3) No signs</p>		

			posted.		
			(4) No door clerk. (BOE 211)		
	Friends Field 1310 East 4 Street				
	PS 192 4715 18 Ave				
	PS 223 IS 4200 16 Ave				
	PS 180 5601 16 Ave				
	PS 105 1031 59 Street				
	PS 160 5105 Ft Hamilton Parkway				
	PS 220 JHS 4812 9 Ave				
	PS 176 1225 Bay Ridge Ave				
	IS 259 7301 Ft Hamilton Parkway		<p>1)Signage not posted outside "Wind blew off"</p> <p>2)Signage marking accessible entrance inadequate</p> <p>3)Directional signage to accessible entrance inadequate</p> <p>AD Comment: "People little lazy about making sure sing don't fly away"</p> <p>4) Not compliant with pre-cleared accessible schematic. "School used space for their own use, set up chairs where</p>		



			there were supposed to be privacy booths." (BOE 957 – 958)		
	PS 127 7805 7 Ave				
	PS 69 6302 9 Ave		(1) "Door person Marie Laurusso is unable to properly do her job." (BOE 962)		
	St Agatha 736 48 Street				
	PS 170 7109 6 Ave		(1) Not compliant with pre-cleared accessible schematic. "Site was not according to schematic. . . . Site seemed too crowded and confusing" (BOE 483)		
	PS 506 / 503 / 314 343 60 Street		(1) Handicapped signage missing. (BOE 49)		
	Telecommunication s HS 350 67 Street				
	IS 187 1171 65 Street				
	PS/IS 180 5601 16 Ave				
	PS 227 JHS 6500 16 Ave		(1) AD Comment "The set-up could be a problem for a handicap person. If elevator is not working they cannot vote in basement" (BOE 165)		
	PS 163 1664 Benson Ave				
	New Utrecht HS 1601 80 Street		(1) Not compliant with pre-cleared accessible		

			schematic: AD Comment "I was informed that the poll site location was wrong and the school hasn't complied for the last 15 years. The lobby is no place for the poll site." (BOE 138)		
	PS 186 7601 19 Ave				
	PS 48 6015 18 Ave				
	PS 200 1940 Benson Ave				
	Kingsview Comm Hall 130 St Edwards Street				
	PS 46 100 Clermont Ave		(1) Ramp not set up properly. AD Comment: "Ramp has not hand rails then steep incline inside building and raised section between two sections" (BOE 931)		
	PS 20 225 Adelphi Street		(1) "Main entrance has broken asphalt and steep slope before you reach the ramp" (BOE 928)		
	PS 67 51 St Edwards Street		1) "Ramp has no hand rails. Very difficult to locate around building. Ramp location needs improvement at this school"  2) "Ramp for		

			handicapped not marked well enough with signs" (BOE 934)		
	PS 270 241 Emerson Pl				
	PS 157 850 Kent Ave				
	PS 380 370 Marcy Ave		(1)AD Comment "Site too small for not only public but poll workers as well" (BOE 920)		
	PS 307 209 York Street				
	IS 71 215 Heyward Street				
	PS 16 157 Wilson Street				
	Towers Sr Ctr 114 Taylor Street				
	Williams Ctr 323 Roebling Street				
	PS 250 108 Montrose Ave				
	PS 19 325 South 3 Street				
	Village Comm Room 60 Division Ave		(1)No door clerk. (BOE 910)		
	JHS 50 183 South 3 Street				
	PS 84 250 Berry Street		(1)No door clerk (BOE 904)		
	PS 17 208 North 5 Street				
	JHS 126 424 Leonard Street				
	McGuinness Sr Ctr 715 Leonard Street				
	PS 34 131 Norman Ave				
	PS 132 320 Manhattan Ave				
	St Francis Ch Hall 213 Woodpoint Road				

	St Cecelia 24 North Henry Street				
	PS 110 124 Monitor Street				
	Dupont Sr Hses 80 Dupont Street		(1)Missing all BMD supplies (BOE 947)		
	PS 15 New 71 Sullivan Street				
	PS 27 27 Huntington Street		(1) No hand rail on ramp.  (2) AD Comment: "Portable ramp was flimsy" . . . and "is not safe, too light, and should be replaced."  (3) No indication either problem was corrected (BOE 20-21)		
	PS 142 JHS 610 Henry Street		(1) No signage because signage not in the supply cart.  (2) No handicapped signage at the accessible entrance.  (3) No directional arrow signage.  (4) Signage problems couldn't be corrected.  (5) No door clerk for accessible entrance. (BOE 112)		
	PS 172 825 4 Ave				
	PS 24				

	427 39 Street				
	PS 136 JHS 4004 4 Ave				
	PS 1 309 47 Street				
	PS 169 4305 7 Ave				
	West End Gardens 1006 44 Street				
	PS 94 5010 6 Ave				
	PS 971 6214 4 Ave				
	PS 314 / 503 / 506 343 60 Street				
	PS 58 330 Smith Street				
	PS 321 180 7 Ave		(1) Site not compliant with pre- cleared accessible schematic. "Principal refused to let the coordinator set up at the designated site and moved the site from the gym to the auditorium." (BOE 99)		
	PS 282 180 6 Ave				
	PS 9 New 80 Underhill Ave				
	Bethel Baptist Ch 265 Bergen Street		(1)"Missing BMD book (not received)" (BOE 644)		landing at top of the ramp blocked by placement of table – interfears with ability to turn (photo)  2 leaf inner door only one leaf open (opening

					27").  Area at top of interior ramp has tiles removed (?)  BMD set up against wall facing out (no privacy). No chain provided for measuring.
	Wyckoff Comm Ctr 280 Wyckoff Street				
	PS 38 450 Pacific Street		(1) No handicap signage at entrance.  (2) No directional signage to the accessible entrance.  (3) Not able to locate signage and rectify problem. No other indication problem was corrected. (BOE 79)		
	PS 261 314 Pacific Street		(1) Interior doors closed and/or obstructed. (BOE 77)		
	Global Studies 284 Baltic Street				
	PS 29 425 Henry Street		AD Monitor Comments: (1) Accessible entrance door bell not working.  (2) No door clerk at accessible entrance.		

			(3) Accessible door closed/ Custodian keeps closing door.  (4) Portable ramp not set up properly." (BOE 130-132)		
	Bklyn Borough Hall 209 Joralemon Street		(1) Key for BMD missing. (BOE 120)		
	St Ann's & Holy Trinity 157 Montague Street		(1) No door clerk at accessible entrance. (BOE 134)		
	Cong Mt Sinai 250 Cadman Plaza West				
	Cadman Towers 101 Clark Street				
	First Unitarian Ch 119A Pierrepont Street				
	Cadman Plaza North 140 Cadman Plaza West				
	St James Pavilion 240 Jay Street		(1)"BMD missing foot pedal, head phones – everything in package voters sign . . . BMD light out." (638)		
	PS 32 317 Hoyt Street		(1) Ramp not set up properly. (BOE 74)		
	IS 291 231 Palmetto Street				
	Cooper Ctr 76 Kingsland Ave				
	Hope Gardens 195 Linden Street				
	Vetro Apts Ten Assoc 320 Devoe Street				
	Noll St Apts				



	43 Central Ave				
	Swinging 60's Sr Ctr 211 Ainslie Street				
	JASA Senior Center 202 Graham Ave				
	Jennings Hall Sen Ctr 260 Powers Street				
	IS 50 JHS 183 South 3 Street				
	PS 18 101 Maujer Street				
	PS 196 207 Bushwick Ave				
	PS 257 60 Cook Street				
	Bushwick /Hylan Ctr 50 Humboldt Street				
	IS 162 1390 Willoughby Ave				
	IS 33 70 Tompkins Ave		1) Ramp not set up properly.  2) Not compliant with pre-cleared accessible schematic. "Principal moved polling site to auditorium stage" (BOE 853-854)		
	Rheingold Gardens 555 Bushwick Ave				
	Evergreen Troutman 78 Troutman Street				
	Penny Yates Apts 63 Central Ave				
	RBSCC Sr Ctr 143 Himrod Street				
	Plaza Senior Center 297 Wilson Ave				
	Ridgewood Sr Ctr 319 Stanhope Street				
	Sister Lucian Sr Housing 415 Bleeker Street		(1)No door clerk (BOE 1325)		

	Buena Vida Residence 48 Cedar Street				
	PS 120 18 Beaver Street				
	PS 23 545 Willoughby Ave				
	PS 59 211 Throop Ave				
	PS 256 114 Kosciusko Street		1) "Need more Handicap Missing" "Missing most of the signs"  2) Signs not properly posted at exterior. (BOE 681)		
	PS 304 280 Hart Street				
	PS 274 800 Bushwick Ave				
	PS 81 990 De Kalb Ave		(1) Insufficient accessibility signage. AD Comment: "Inspectors didn't realize that more signs should have been hung." (BOE 840)		
	PS 26 New 1014 Lafayette Ave				
	PS 299 88 Woodbine Street		(1) Ramp at accessible entrance not set up properly. No indication it was fixed.  (2) Not compliant with pre-cleared accessible schematic. "Set up had to be		

			reconfigured for smaller available space" (BOE 844-845)		
	PS 377 200 Woodbine Street				
	PS 296 JHS 125 Covert Street		(1)Handicap signage missing. (BOE 819)		
	PS 151 763 Knickerbocker Ave				
	PS 384 242 Cooper Street				
	St Thomas Sr Ctr 725 Evergreen Ave				
	PS 73 241 MacDougal Street		(1)AD Comment: "The space for the poll workers and the public is too small. The lighting is terrible. It is dark even in the day light." (BOE 797)		
	PS 290 135 Schenck Ave				
	PS 108 200 Linwood Street		(1)No door clerk (BOE 835)		
	IS 302 332 Linwood Street				
	PS 65 700 Jamaica Ave				
	Cypress Hill Sr Center 3208 Fulton Street				
	PS 345 111 Berriman Street				
	IS 171 528 Ridgewood Ave				
	Transit Tech HS 1 Wells Street				
	PS 59 211 Throop Ave		(1) Ramp has no hand rails AD Comment re hand		

			rails is "none for 5 years." (BOE 847)		
	PS 5 New 820 Hancock Street				
	PS 21 180 Chauncey Street				
	PS 137 121 Saratoga Ave		(1) Handicap sign improperly placed. (BOE 759)		
	Senior Citizen Center 930 Halsey Street				
	Ocean Hill Comm Ctr 305 MacDougal Street				
	PS 28 1001 Herkimer Street				
	PS 155 1355 Herkimer Street				
	PS 178 2163 Dean Street		(1) "Door to wheelchair entrance still locked. Was contacted by custodian." (8:15am) (BOE 770)		
	Atlantic Towers 216 Rockaway Ave				
	Wayside Comm Ctr 1630 St Marks Ave				
	PS 332 51 Christopher Ave		(1) No indication it was visited (blank evaluation sheet) (BOE 738)		
	WM Maxwell HS 145 Pennsylvania Ave		(1) No indication it was visited (blank evaluation sheet) (BOE 747)		
	Mr. Lucky's 533 Liberty Ave				
	PS 292 300 Wyona Street		(1) No indication it was visited (blank evaluation sheet)		

			(BOE 750)		
	PS 298 85 Watkins Street		(1)No indication it was visited (blank evaluation sheet) (BOE 741)		
	Hugh Gilroy Sr Ctr 447 Kingsborough 4 Walk				
	PS 335 130 Rochester Ave				
	Albany Center 164 Troy Ave				
	MS 394 188 Rochester Ave				
	PS/IS 156 104 Sutter Ave				
	PS 327 111 Bristol Street				
	PS 189 1100 East New York Ave				
	Elliot Graham Houses 663 Howard Ave				
	PS 323 210 Chester Street		(1)Ramp not set up properly. (BOE 808)		
	PS 150 364 Sackman Street		(1)No indication it was visited (blank evaluation sheet) (BOE 753)		
	PS 252 JHS 1064 Lenox Road		(1)Not compliant with pre-cleared accessible schematic. "The play room floor was still wet from being waxed so all poll equipment and personnel was moved to the auditorium" (BOE 1377)		
	Sr Citizens Club 430 Dumont Ave		(1)No indication it was visited (blank evaluation sheet) (BOE 732)		

	MS 334 / MS 354 1224 Park Place				
	Senior Center 196 Albany Ave				
	PS 243 1580 Dean Street		(1)"Missing supply bag for BMD & Handicap supplies" (BOE 731)		
	PS 93 31 New York Ave				
	Stuy-Park Houses 77 New York Ave				
	PS 54 New 195 Sandford Street				
	PS 258 JHS 141 Macon Street				
	Risley Dent Apts 1595 Fulton Street				
	PS 262 500 Macon Street		(1) Missing supplies for BMD including gloves, headset, paddle. (BOE 725)		
	Old Boys High School 832 Marcy Ave				
	PS 305 344 Monroe Street				
	PS 44 432 Monroe Street		(1)BMD does not have headphones. (BOE 662)		
	PS 308 616 Quincy Street				
	Stuyvesant Grdns II 150 Malcolm X Blvd				
	PS 309 794 Monroe Street				
	Goodwin Sr Ctr 55 Goodwin Place		1) Signs not properly posted  AD Comment: "What outside signage was missing? <i>Everything.</i> "  2) No directional arrows to		

			<p>alternative accessible entrance.</p> <p>3) No signs posted at accessible entrance.</p> <p>4) No BMD. (BOE 684)</p>		
	<p>Cornerstone Sr Housing</p> <p>550 Greene Ave</p>		<p>1) Signage not properly posted outside.</p> <p>2) Signage for accessible entrance not properly posted.</p> <p>3) Directional signage to the accessible entrance not posted.</p> <p>4) Alternate entrance signs not filled out.</p> <p>5) Accessible door closed.</p> <p>6) No door clerk</p> <p>(BOE 654-655)</p>		
	<p>PS 25</p> <p>787 Lafayette Ave</p>				
	<p>PS 320 / PS 375</p> <p>46 McKeever Place</p>				
	<p>Clara Barton Voc HS</p> <p>901 Classon Ave</p>				
	<p>PS 316</p> <p>750 Classon Ave</p>				
	<p>PS 11 New</p> <p>419 Waverly Ave</p>				
	<p>PS 22</p> <p>443 St Marks Ave</p>				



	Brooklyn Museum 200 Eastern Parkway				
	Bklyn Tech HS 2 South Elliott Place				
	Sterling HS 510 Clermont Ave				
	Edmonds Ctr (IS 113) 300 Adelphi Street				
	PS 56 New 170 Gates Ave				
	Bedford Vlg Sch (PS 3) 50 Jefferson Ave				
	Mt Sinai Church 84 Quincy Street		(1) "No door clerk assigned per Board of Elections" (BOE 604)		
	PS 287 50 Navy Street				
	Willoughby Walk Co-Op 195 Willoughby Ave				
	PS 198 4105 Farragut Road				
	St Augustines Parish Hall 4301A Avenue D				
	St Therese Church 1281 Troy Ave				
	St Augustines Comm Rm 4301 Ave D				
	PS 244 5404 Tilden Ave		(1) Alternate accessible entrance signs not posted (BOE 503)		
	PS 219 1060 Clarkson Ave				
	PS 233 9301 Ave B				
	Gorman Hses 1381 Linden Boulevard				

	Jimerson Hses 1411 Linden Boulevard		(1) No door clerk. AD Comments "It was sad that the board did not send a door clerk" at the accessible entrance" (BOE 476)		
	PS 242 100-01 Flatlands Ave				
	PS 211 JHS 1001 East 100 Street				
	PS 114 1077 Remsen Ave				
	PS 66 IS 845 East 96 Street		(1)No BMD Key (BOE 480)		
	PS 272 101-24 Seaview Ave				
	PS 115 1500 East 92 Street				
	PS 276 1070 East 83 Street				
	Canarsie HS 1600 Rockaway Parkway				
	PS 207 Annex Early Childhd Ctr 3920 Flatlands Ave		(1) No signage at accessible entrance. AD Comment "Need handicap sing at alternate entrance." (BOE 347)		
	PS 312 7103 Ave T		(1) Accessible entrance signs not posted properly.  (2) Directional arrows to accessible entrance not posted. (BOE 463)		
	PS 236 6302 Ave U				
	St. Columba's				

	Church 2245 Kimball Street				
	Hall 43 Seba Ave				
	PS 207 4011 Fillmore Ave		(1) Insufficient exterior signage. AD Comment: "Not enough disability signs for space." No indication problem was rectified.  (2) Ramp not in place and set up properly.  (BOE 442-444)		
	Vet Post 5601 Ave N				
	PS 222 3301 Quentin Road				
	Palm Beach NH 2900 Bragg St				
	Bay Ridge Air Rights 350 65 Street		(1) Interior doors to the poll room not open and clear of obstructions. No indication problem was fixed. (BOE 410)		
	Bay Ridge Air Rights 260 65 Street				
	PS 102 211 72 Street				
	Ft Hamilton HS 8301 Shore Road		(1) Not compliant with pre-cleared accessible schematic.  AD Comment: "There was a problem setting up the site, the schematic had to be amended.		

			There seems to be a problem with student crowd control. Voters complained they ere unable to pass easily to get to their voting site. Teachers took a while to get students to the side of the cafeteria to make a passage for voters." BOE 417		
	Apt House 7502 Ridge Boulevard		(1) No door clerk at alternative accessible entrance. (BOE 398)		
	Apt House 9000 Shore Road				
<b>Manhattan</b>					
	Coler Hospital 900 Main Street				
	Goldwater Hospital 1 Main Stret				
	PS 751 113 East 4 <sup>th</sup> Street				
	The Hermitage 1295 5 <sup>th</sup> Ave		(1) Interior access barriers (CIDNY survey)		
	Bard H.S.E.C. – 97 525 East Houston Street	(1) Exterior signage barriers (CIDNY survey)  (2) Entry / pathway barriers (CIDNY survey)  (3) Interior signage barriers (CIDNY survey)			
	Westbeth Housing 155 Bank Street				
	JASA Community Ctr		(1) Exterior Signage		

	200 East 5 <sup>th</sup> Street		barriers (CIDNY Survey)		
	Manhattan North 2036 Amsterdam Ave				
	Los Tres Unidos 22 East 112 Street			(1) entry / pathway barriers (CIDNY Survey)  (2) Interior signage barriers (CIDNY survey)  (3) Interior Access barriers (CIDNY survey)	
	HS Fashion Industry 225 West 24 <sup>th</sup> Street				
	PS 92 222 West 134 Street				
	PS 84 32 West 92 <sup>nd</sup> Street				
	PS 206 508 East 120 <sup>th</sup> Street				
	PS 52 650 Academy Street				
	Washington Sq SE Ap 505 Laguardia Place				
	Bayard Rustin HS 351 West 18 <sup>th</sup> Street				
	The Door 555 Broome Street				
	Lesbian and Gay Ctr 208 West 13 <sup>th</sup> Street				
	Hayden Hall 33 Washington Square West				
	Prospect Tower 45 Tudor City Place		(1) Exterior signage barriers (CIDNY		

			Survey)  (2) entryway barriers (CIDNY Survey)		
	Sirovich Senior Center 331 East 12 <sup>th</sup> Street	(1) Entry / pathway barriers (CIDNY survey)  (2) Interior signage barriers (CIDNY survey)			
	Brachetti Plaza 296 East 4 <sup>th</sup> Street				
	Compos Community Ctr 611 East 13 <sup>th</sup> Street	(1) Interior access barriers (CIDNY survey)			
	UTACPT 125 West 109 <sup>th</sup> Street				
	Pelham Fritz Rec Center 18 Mt Morris Park West	(1) Entry / pathway barriers (CIDNY Survey)	(1) Exterior signage barriers (CIDNY survey)		
	Windsor Tower 5 Tudor City Place	(1) Exterior signage barriers (CIDNY survey)  (2) entry / pathway barriers (CIDNY survey)  (3) Interior signage barriers (CIDNY survey)			
	PS 234 (Independence) 292 Greenwich Street	(1) Interior signage barriers (CIDNY Survey)  (2) Interior access barriers (CIDNY survey)			
	Sutton Place Synagogue 225 East 51 <sup>st</sup> Street				
	Peter Cooper Village 360 1 Ave				

	East Harlem Council 413 East 120 Street		(1) Inaccessible Ramp (CIDNY survey)		
	Tiemann Apts (Columbia Univ) 549 Riverside Drive		(1) Exterior signage barriers (CIDNY survey)  (2) Entry / pathway barriers (CIDNY survey)  (3) Interior signage barriers (CIDNY survey)  (4) Interior access barriers (CIDNY survey)		
	YM & YWHA (Nagle Ave) 54 Nagle Ave				
	Hunter College 128 East 68 <sup>th</sup> Street				
	IS 218 4600 Broadway				
	Barrier Free Living 270 East 2 <sup>nd</sup> Street	(1) Inaccessible Ramp (CIDNY survey)  (2) Entry / pathway barriers (CIDNY survey)  (3) Interior access barriers (CIDNY survey)			
	Inwood Towers 11 Fort George Hill		(1) Interior access barriers (CIDNY survey)		
	Local 802 322 West 48 <sup>th</sup> Street				
	Seward Park I 266 East Broadway				
	Rena Day Care Ctr 639 Edgecombe Ave				
	Seward Park II			(1) Exterior	



	210 East Broadway			signage barriers (CIDNY survey)	
				(2) Entry / pathway barriers (CIDNY Survey)	
				(3) Interior access barriers (CIDNY survey)	
	Seward Park III 415 Grand Street				
	East River Housing I 570 Grand Street				
	East River Housing II 575 Grand Street				
	2 <sup>nd</sup> Canaan Baptist 10 Lenox Ave				
	Tweemill House 145 East 126 <sup>th</sup> Street				
	Inwood Terrace 99 Hillside Ave				
	Asser Levy Recreation Center 501 East 23 <sup>rd</sup> Street				
	Promenade 150 West 225 Street				
	Time Square Hotel 255 West 43 <sup>rd</sup> Street				
	Carver Houses 1481 Madison Ave				
	Dorchester Towers 155 West 68 <sup>th</sup> Street				
	Central Harlem Senior Coalit. 120 West 140 <sup>th</sup> Street	(1) Entry/pathway barriers (CIDNY survey)			
		(2) Interior access barriers			

		(CIDNY survey)			
	One Lincoln Plaza 20 West 64 <sup>th</sup> Street				
	Rutgers House 200 Madison Street				
	Normandie Court 225 East 95 <sup>th</sup> Street			(1) Inaccessible ramp (CIDNY survey)  (2) Exterior Signage barriers (CIDNY Survey)  (3) Interior signage barriers (CIDNY survey)  (4) Interior access barriers (CIDNY survey)	
	Metro Community Church 446 West 36 <sup>th</sup> Street				
	Lenox Hill Senior Center 343 East 70 <sup>th</sup> Street				
	Clinton Community Center 456 West 37 <sup>th</sup> Street				
	Wadleigh HS 215 West 114 <sup>th</sup> Street				
	Henry Brooks Senior House 304 West 154 Street			(1) entry / pathway barriers (CIDNY	
	Euclid Hall Senior Center 2345 Broadway			(1) Exterior signage barriers	

				(CIDNY Survey)	
				(2) Interior access barriers (CIDNY survey)	
	Theater for New City 155 1 <sup>st</sup> Ave	(1) Entry / pathway barriers (CIDNY survey)			
	Coliseum Park Apts 345 West 58 <sup>th</sup> street				
	Mayfair Tower 15 West 72 <sup>nd</sup> Street				
	NYCJW- Council Sr Ct 241 West 72 <sup>nd</sup> Street	(1) Interior access barriers (CIDNY survey)			
	Bridge Apts 1370 St Nicholas Ave				
	CUNY HQ 535 East 80 <sup>th</sup> Street				
	Church of St. Paul & St Andrew 263 West 86 <sup>th</sup> Street		(1) Exterior signage barriers (CIDNY survey)		
			(2) Entry / pathway barriers (CIDNY Survey)		
	Max Meltzer Community Ctr 94 East 1 <sup>st</sup> Street				
	J K Onassis HS 120 West 46 <sup>th</sup> St				
	Marseilles Senior Center 230 West 103 <sup>rd</sup> Street	(1) Entry/ Pathway barriers (CIDNY Survey)  (2) Interior Signage barriers (CIDNY survey)	(1) Interior signage barriers (CIDNY survey)		
	Oberia Dempsey Ctr 127 West 127 <sup>th</sup> St	(1) Exterior signage barriers (CIDNY survey)			

		(2) Entry / pathway barriers (CIDNY survey)			
	Northern Man. Nur Hm 116 East 125 St		(1) Exterior signage barriers (CIDNY Survey)  (2) Interior access barriers (CIDNY survey)		
	Ter Card Cookie Ctr 1249 5 Ave				
	PS 176 4862 Broadway				
	390 Riverside Drive 390 Riverside Drive				
	Baruch College Campus HS 55 East 25 <sup>th</sup> Street		(1) Entry / pathway barriers (CIDNY Survey)  (2) Interior access barriers (CIDNY survey)	(1) Interior access barriers (CIDNY survey)	
	Tiano Towers 2253 3 Ave				
	Fash Institute Tech 298 7 <sup>th</sup> Ave				
	HS Environment Studies 444 West 56 <sup>th</sup> Street				
	Park East Synagogue 164 East 68 <sup>th</sup> St				
	St Anthony's Church 155 Sullivan St				
	PS 217 645 Main Street				
	Dewitt Clinton Ctr 120 East 110 Street		(1) Entry / pathway barriers (CIDNY survey)		
	Gen Grant Houses 75 La Salle Street				
	Gen Grant Houses II 1295 Amsterdam Ave				
	Yeshiva U – Cardozo Sch Law				

	55 5 <sup>th</sup> Ave				
	Carlyle Court 25 Union Square West		(1) Entry / pathway barriers (CIDNY survey)  (2) Interior access barriers (CIDNY Survey)		
	Andrew Heiskell Library 40 West 20 <sup>th</sup> Street				
	New York Law School 47 Worth Street	(1) Interior access barriers (CIDNY survey)			
	Liberty High School 250 West 18 <sup>th</sup> Street				
	The 467 Condominium 467 Central Park West		(1) Interior access barriers (CIDNY survey)		
	Wash Square Village 2 2 Washington Square Village				
	Wash Square Village 3 3 Washington Square Village				
	Renwick Gardens 332 East 29 <sup>th</sup> Street				
	Trump Place 180 Riverside Boulevard				
	Ft. George Center 1525 St Nicholas Ave				
	University Hall 110 East 14 <sup>th</sup> Street				
	West Side High School 140 West 102 Street				
	Kurt & Leah Apts 11 West 102 Street				
	PS 89 201 Warren Street	(1) Exterior signage barriers (CIDNY survey)			

		(2) Entry / pathway barriers (CIDNY survey)			
		(3) Interior access barriers (CIDNY survey)			
	Master Apartments 310 Riverside Drive				
	Prince George Hotel 14 East 28 <sup>th</sup> Street				
	HS for Leadership 90 Trinity Place				
	Confucius Plaza 33 Bowery				
	Metro Council on Jewish Pov. 351 East 61 Street				
	PS 4 500 West 160 Street				
	Nagle House 240 Nagle Ave				
	Residential Building 45 Wall Street				
	The Regatta 21 South End Ave				
	Union Baptist Church 240 West 145 <sup>th</sup> St				
	Red Oak Apartments 135 West 106 <sup>th</sup> St	(1) Interior access barriers (CIDNY survey)			
	CWA – 1180 97 Hudson St				
	River Place 1 650 West 42 <sup>nd</sup> St				
	YMCA (McBurney) 125 West 14 <sup>th</sup> St				
	School of Co-op Education 321 East 96 <sup>th</sup> St			(1) Inaccessible ramp (CIDNY Survey)	
				(2) Interior access barriers	

				(CIDNY survey)	
	PS 48 4360 Broadway				
	Rutgers Presbyterian 236 West 73 <sup>rd</sup> St				
	Armenian Church 630 2 <sup>nd</sup> Ave				
	St Nicholas Sr Ctr 210 West 131 St				
	The Churchill 300 East 40 <sup>th</sup> St	(1) Interior access barriers (CIDNY survey)			
	Samuels Community Center 669 Malcolm X Boulevard				
	Halidon Court 3681 Broadway				
	Seward Park High School 350 Grand Street	(1) Inaccessible ramp (CIDNY Survey)  (2) Exterior signage barriers (CIDNY survey)  (3) entry / pathway barriers (CIDNY survey)  (4) Interior signage barriers (CIDNY Survey)  (5) Interior access barriers (CIDNY survey)			
	CUNY 365 5 <sup>th</sup> Ave				
	Marymount Manhattan College 221 East 71 <sup>st</sup> Street		(1) Interior Signage Barriers (CIDNY Survey) (2) No exterior signage (BOE 3341)		
	Holy Trinity				

	Cathedral 337 East 74 <sup>th</sup> Street				
	Lighthouse International 110 East 60 <sup>th</sup> Street				
	Emanuel Church 2184 8 <sup>th</sup> Ave				
	Antler Apartments 2079 8 <sup>th</sup> Ave				
	Boricua College 3755 Broadway				
	Covenant House 460 West 41 <sup>st</sup> St				
	Baruch College Vertical Campus 55 Lexington Ave				
	250 West 94 <sup>th</sup> St 250 West 94 <sup>th</sup> St				
	Continental East 353 East 83 <sup>rd</sup> St				
	Central Syn Pavilion 652 Lexington Ave			(1) Exterior signage barriers (CIDNY Survey)  (2) Interior access barriers (CIDNY survey)	
	Kateri Residence 150 Riverside Drive				
	Columbia Housing 2700 Broadway	(1) Interior access barriers (CIDNY Survey)			
	Wein Hall 411 West 116 <sup>th</sup> St				
	The Riverside Church 91 Claremont Ave				
	Highbridge Rec CTR 231 Amsterdam Ave				
	Church of Jesus Christ LDS 221 East 87 <sup>th</sup> St				
	Eleanor Roosevelt				



	HS 411 East 76 <sup>th</sup> St				
	Adam Clayton Powell Jr St. Bldg 163 West 125 <sup>th</sup> St		(1) Interior access barriers (CIDNY survey)		
	UPACA 6 Senior Center 1940 Lexington Ave				
	Clinton Senior Center 530 West 55 <sup>th</sup> St		(1) Exterior signage barriers (CIDNY Survey)  (2) Entry / Pathway Barriers (CIDNY survey)  (3) Interior access barriers (CIDNY survey)		
	Cathedral HS 350 East 56 <sup>th</sup> St				
	Stuyvesant Town VI 525 East 14 <sup>th</sup> St				
	Stuyvesant Town VII 3 Stuyvesant Oval				
	PS 98 530 West 212 <sup>th</sup> St				
	Martin Luther King Comm Ctr 2 West 115 <sup>th</sup> St				
	Unity Center 213 West 58 <sup>th</sup> St				
	St. Luke's Episcopal Center 435 West 141 St				
	Alumni Hall 33 3 <sup>rd</sup> Ave				
	MS 114 331 East 91 <sup>st</sup> St				
	City Planning 22 Reade St				
	Boys & Girls Republic 888 East 6 <sup>th</sup> St				
	Holy Family Church 315 East 47 <sup>th</sup> St				

	Park West High School 525 West 50 <sup>th</sup> St				
	PS 276 55 Battery Place				
	UASBYW 81 New Street				
	St Stephen of Hungary Parish 414 East 82 <sup>nd</sup> St				
	PS 184 M 327 Cherry St				
	Metro North / River Crossing 1956 1 <sup>st</sup> Ave				
	Cascades High School 198 Forsyth St				
	The Palladium 133 East 13 <sup>th</sup> St				
	Stuyvesant Town II 10 Stuyvesant Oval				
	PS 9 100 West 84 <sup>th</sup> St				
	1775 Houss 107 East 126 <sup>th</sup> St		(1) Exterior signage barriers (CIDNY survey)  (2) Interior access barriers (CIDNY survey)		
	Schwab House 11 Riverside Drive				
	Good Shepherd Church 104 Cooper St		(1) Inaccessible ramp (CIDNY survey)  (2) Entry / pathway barriers (CIDNY survey)  (3) Interior access barriers (CIDNY survey)		
	Civil Court 111 Centre St				

	N Thomas HS 111 East 33 <sup>rd</sup> St				
	Find Aid for Aged (Hargrave) 111 West 71 <sup>st</sup> St		(1) Entry / pathway barriers (CIDNY Survey)  (2) Interior access barriers (CIDNY survey)		
	Triangle House 112 East 128 <sup>th</sup> St				
	PS 169 110 East 88 <sup>th</sup> St			(1) Exterior Signage barriers (CIDNY Survey)	
	PS 41 116 West 11 <sup>th</sup> St				
	Jewish Home & Hosp 120 West 106 <sup>th</sup> St				
	PS 63 121 East 3 Street				
	PS 2 (Meyer London) 122 Henry St				
	PS 36 123 Morningside Drive				
	PS 140 123 Ridge Street				
	Esplanade Gardens 129 West 147 <sup>th</sup> St				
	PS 72 131 East 104 <sup>th</sup> St				
	PS 166 132 West 89 <sup>th</sup> St	(1) Exterior signage barriers (CIDNY survey)  (2) Entry / pathway barriers (CIDNY survey)  (3) Interior Access barriers (CIDNY survey)			
	PS 144 (M242)	(1) Exterior			

	134 West 122 <sup>nd</sup> St	signage barriers (CIDNY survey)			
	Associated Blind 135 West 23 <sup>rd</sup> St				
	Baruch College Newman Hall 137 East 22 <sup>nd</sup> St	(1) Interior access barriers (CIDNY) survey			
	YM & YWHA (Lex. Ave) 1395 Lexington Ave				
	Lincoln Towers 140 West End Ave				
	Find Aid for Aged (Hamilton) 141 West 73 <sup>rd</sup> Street				
	PS 87 160 West 78 <sup>th</sup> St				
	PS 130 143 Baxter St				
	IS 44 100 West 77 <sup>nd</sup> St				
	PS 158 1458 York Ave				
	PS 133 2121 5 Ave				
	Jewish Guild 15 West 65 <sup>th</sup> St				
	Waterside Plaza 15 Waterside Plaza				
	PS 145 150 West 105 <sup>th</sup> St	(1) Inaccessible Ramp (CIDNY survey)  (2) Exterior Signage barriers (CIDNY Survey)  (3) Entry / Pathway barriers (CIDNY survey)		(1) Entry / pathway barriers (CIDNY Survey)  (2) Interior Access barriers (CIDNY Survey)	
	Lincoln Towers II 150 West End Ave				
	158 St. Riverside Houses 156-20 Riverside Drive West				

	Jackie Robinson Complex 1573 Madison Ave				
	City As School 16 Clarkson Street				
	PS 7 160 East 120 <sup>th</sup> St				
	Lincoln Towers III 160 West End Ave				
	PS 108 1615 Madison Ave				
	Ruppert Yorkville Tower Condo 1619 3 <sup>rd</sup> Ave			(1) Inaccessible ramp (CIDNY Survey)  (2) Exterior signage barriers (CIDNY survey)  (3) Interior signage barriers (CIDNY survey)  (4) Interior access barriers (CIDNY survey)	
	PS 163 163 West 97 <sup>th</sup> St				
	PS 20 166 Essex St				
	PS 198 1700 3 <sup>rd</sup> Ave		(1) Entry / pathway barriers (CIDNY survey) (2) Interior Access barriers (CIDNY survey)		
	United Methodist Church 1723 Madison Ave				

	Village View Housing 175 East 4 <sup>th</sup> St			(1) Entry / pathway barriers (CIDNY survey)	
	PS 175 175 West 134 <sup>th</sup> St	(1) Interior access barriers (CIDNY survey)			
	PS 153 1750 Amsterdam Ave				
	PS 57 176 East 115 Street				
	Stanley Isaacs Ctr 415 East 93 <sup>rd</sup> St		(1) Inaccessible ramp (CIDNY survey)		
	Mott Street Sr Ctr 180 Mott Street				
	Hamilton Heights Terrace 1833 Amsterdam Ave		(1) Inaccessible ramp (CIDNY Survey)  (2) Interior access barriers (CIDNY survey)		
	PS 132 185 Wadsworth Ave				
	Lincoln Towers V 185 West End Ave				
	PS 171 19 East 103 <sup>rd</sup> St				
	Dunwell Plaza 1920 Amsterdam Ave			(1) exterior signage barriers (CIDNY Survey)  (2) Interior access barriers (CIDNY survey)	
	Church Heavenly Rest 2 East 90 <sup>th</sup> St				
	Manhattan House 200 East 66 <sup>th</sup> Street				

	University Neighborhood 200 Monroe Street	(1) entry /pathway barriers (CIDNY survey)			
	Harlem Renaissance HS 22 East 128 <sup>th</sup> St				
	1199 Housing 2070 1 <sup>st</sup> Ave			(1) Entry/Pathw ay barriers (CIDNY Survey)  (2) Interior signage barriers (CIDNY survey)  (3) Interior access barriers (CIDNY survey)	
	Lincoln Towers VI 205 West End Ave				
	PS 116 210 East 33 <sup>rd</sup> St	(1) Exterior signage barriers (CIDNY Survey)	(1) Exterior signage barriers (CIDNY Survey)  (2) Entry / pathway barriers (CIDNY survey)  (3) Interior Signage barriers (CIDNY survey)  (4) Interior access barriers (CIDNY survey)		
	Dewitt Nursing Home 211 East 79 <sup>th</sup> St				
	Drew Hamilton Houses 220 West 143 <sup>rd</sup> St				

	Riverton Apts 2200 Madison Ave				
	Ruppert House 222 East 93 <sup>rd</sup> St				
	PS 47 (Sch for Hearing Impaired) 225 East 23 <sup>rd</sup> St				
	PS 167 22 East 76 <sup>th</sup> St				
	Savoy Park Owner LLC 2300 5 <sup>th</sup> Ave	(1) Inaccessible ramp (CIDNY survey)  (2) Exterior signage barriers (CIDNY survey)  (3) entry / pathway barriers (CIDNY survey)  (4) Interior signage barriers (CIDNY survey)  (5) Interior access barriers (CIDNY survey)			
	Riverbend Housing 2301 5 <sup>th</sup> Ave	(1) Exterior signage barriers (CIDNY survey)  (2) Entry / pathway barriers (CIDNY survey)  (3) Interior signage barriers (CIDNY survey)  (4) Interior access barriers (CIDNY survey)			
	PS 38 or 121 232 East 103 St				
	PS 165 234 West 109 <sup>th</sup> St			(1) Entry / Pathway	



				barriers (CIDNY Survey)	
				(2) Interior access barriers (CIDNY Survey)	
	PS 117 JHS 240 East 109 <sup>th</sup> St				
	PS 194 244 West 144 <sup>th</sup> St				
	PS 154 250 West 127 <sup>th</sup> St	(1) Exterior signage barriers (CIDNY Survey)			
		(2) Entry / Pathway barriers (CIDNY survey)			
		(3) Interior access barriers (CIDNY survey)			
	Lincoln Square Neighborhood Ctr 250 West 65 <sup>th</sup> St				
	PS 189 2580 Amsterdam Ave				
	Harlem River Houses 231 W 151 <sup>st</sup> St				
	PS 199 270 West 70 <sup>th</sup> St				
	Stuyvesant Town III 272 1 Ave				
	PS 33 281 9 <sup>th</sup> Ave				
	Stuyvesant Town IV 283 Ave C				
	Polo Ground Sr Ctr 2965 8 <sup>th</sup> Ave				
	PS 46 2987 8 <sup>th</sup> Ave				
	Lincoln Guild Housing				

	303 West 66 <sup>th</sup> St				
	LaGuardia Memor House 307 116 <sup>th</sup> St				
	PS 173 306 Ft Washington Ave				
	PS 290 (Manh New School) 311 East 82 <sup>nd</sup> St				
	PS 134 293 East Broadway				
	PS 102 315 East 113 <sup>th</sup> St				
	Gen Grant Houses IV 3150 Broadway		(1) Exterior signage barriers (CIDNY survey)  (2) Interior access barriers (CIDNY survey)		
	Manhattan Inter. HS 317 East 67 <sup>th</sup> St				
	East Midtown Plaza 319 East 24 <sup>th</sup> St				
	PS 58 / Manhattan High School 317 West 52 <sup>nd</sup> St				
	PS 40 320 East 20 <sup>th</sup> St				
	Tweed Court 52 Chambers St				
	IS 70 333 West 17 <sup>th</sup> St				
	PS 187 349 Cabrini Boulevard				
	PS 180 370 West 120 <sup>th</sup> St				
	Dyckman Comm Ctr 3782 10 <sup>th</sup> Ave		(1) Exterior signage barriers (CIDNY survey)		
	Seward Park IV 383 Grand St				
	Manhattan Plaza L.P. 400 West 43 <sup>rd</sup> St				

	PS 149 41 West 117 <sup>th</sup> St				
	Columbia University Houses 410 Riverside Drive			(1) Interior access barriers (CIDNY Survey)	
	PS 183 419 East 66 <sup>th</sup> St				
	PS 146 421 East 106 <sup>th</sup> St				
	Yorkville Community School 421 East 88 <sup>th</sup> St				
	PS 125 425 West 123 <sup>rd</sup> St				
	PS 129 425 West 130 <sup>th</sup> St				
	PS 111 440 West 53 <sup>rd</sup> St				
	PS 188 or 196 442 East Houston Street	(1) Exterior Signage barriers (CIDNY Survey)  (2) Entry / pathway barriers (CIDNY Survey)		(1) Exterior signage barriers (CIDNY survey)  (2) Interior signage barriers (CIDNY Survey)  (3) Interior access barriers (CIDNY survey)	
	John Jay College 4 45 West 59 <sup>th</sup> St				
	PS 6 45 East 81 <sup>st</sup> St				
	Inwood Gardens 45 Fairview Ave				
	East River Housing III 457 FDR Drive				
	PS 53 or 811				

	466 West End Ave				
	PS 28 475 West 155 <sup>th</sup> St				
	East River Housing IV 477 FDR Drive				
	St Margaret's House 49 Fulton St				
	PS 3 490 Hudson St				
	YMCA 5 West 63 <sup>rd</sup> St				
	PS 192 500 West 138 St				
	Amalamated Dwelling 504A Grand Street				
	PS 43/PS 172 509 West 129 <sup>th</sup> St		(1) Exterior signage barriers (CIDNY survey)  (2) Interior access barriers (CIDNY survey)		
	Isabella Geriatric 515 Audubon Av				
	PS 143 515 West 182 <sup>nd</sup> St				
	PS 51 520 West 45 <sup>th</sup> St				
	Marble Hill Comm Ctr 5465 Broadway				
	NYU Brittany Hall 55 East 10 <sup>th</sup> St		(1) Exterior signage barriers (CIDNY Survey)  (2) Interior signage barriers (CIDNY survey)  (3) Accessible door locked and no door clerk present (BOE 3348)	(1) entry / pathway barriers (CIDNY survey)  (2) Interior access barriers (CIDNY survey)	
	PS 79 or 811 55 East 120 <sup>th</sup> St				

	PS 128 560 West 169 <sup>th</sup> St				
	Hudson Piers #1 596 Riverside Drive				
	Abraham Lincoln House 60 East 135 <sup>th</sup> St				
	Riverview Tower 626 Riverside Drive				
	LaGuardia High School 100 Amsterdam Ave				
	Southbridge Tower 66 Frankfort Street				
	Stewart Tenant Corp 70 East 10 <sup>th</sup> St				
	PS 131 100 Hester St				
	Holy Rood Church 717 West 179 <sup>th</sup> St				
	PS 34 730 East 12 <sup>th</sup> St			(1) Entry / pathway barriers (CIDNY survey)  (2) Interior signage barriers (CIDNY survey)	
	PS 75 735 West End Ave				
	Masaryk Towers 77 Columbia Street	(1) Inaccessible Ramp (CIDNY Survey)  (2) entry / pathway barriers (CIDNY survey)			
	PS 1 8 Henry St				
	PS 126 80 Catherine St				
	Morningside Hgts Hous				

	100 Lasalle St				
	870 Riverside Housing 870 Riverside Drive				
	K'Hal Adath Jeshurun 90 Bennett Ave				
	PS 152 93 Nagle Ave				
	Ft Wash Serv for Eld 99 Ft Washington Ave				
	Int'l Pre-School 330 East 45 <sup>th</sup> St				
	Dunlap Building 1 Wards Island				
	Charles Hill Tower 2050 8 <sup>th</sup> Ave				
	Ralph Hernandez 189 Allen St		(1) Entry / pathway barriers (CIDNY Survey)		
	Canaan Tower IV 95 Lenox Ave				
	Riverside 3333A Broadway		(1) Exterior Signage barriers (CIDNY Survey)  (2) Interior Signage barriers (CIDNY survey)  (3) Interior access barriers (CIDNY survey)		
	JHS 118 154 West 93 <sup>rd</sup> St				
	Goddard Riverside 593 Columbus Ave		(1) entry / pathway barriers (CIDNY Survey)  (2) Interior signage barriers (CIDNY survey)		
	Village East Towers 170 Avenue C		(1) Entry / pathway barriers (CIDNY Survey)		

			(2) Interior access barriers (CIDNY survey)		
<b>Queens</b>					
	PS 303 108-55 69 Ave		(1) No door clerk (BOE 1652)  Second AD team: "No door clerk assigned to this site." (BOE 2284)		
	PS 16 41-15 104 St		(1) Improper exterior signage. (BOE 2013)		
	Forest Hills HS 67-01 110 St				
	PS 196 71-25 113 St		(1) Exterior signage barriers (CIDNY Survey)  (2) Entry / pathway barriers (CIDNY survey)  AD Comment: Not visited. "No time sorry." (BOE 1660)		
	PS 47 9 Power Road		(1) Inaccessible ramp (CIDNY Survey)  (2) Exterior signage barriers (CIDNY Survey)  (3) Entry / pathway barriers (CIDNY Survey)  (4) Interior Access barriers (CIDNY Survey)		
	PS 29 125-10 23 Ave				
	Kew Gardens Hills Library				

	72-33 Vleigh Place				
	CWV Post 870 39-48 61 St				
	Lefferts Library 103-34 Lefferts Boulevard		(1) Not compliant with pre-cleared accessible poll site layout: "Due to limited space and electricity we had to deviate from the schematic." (BOE 2755)		
	Flushing House Resident Adult 38-20 Bowne St			(1) Interior access barriers (CIDNY survey)	
	Florence E Smith Comm Ctr 102-19 34 Ave		(1) Accessible door closed. (BOE 1877)		
	St Clares School 137-25 Brookville Boulevard			(1) Exterior signage barriers (CIDNY Survey)  (2) Entry / pathway barriers (CIDNY survey)  (3) Interior access barriers (CIDNY survey)	
	St. Sebastions School 39-76 58 St				
	St Nicholas of Tolentine 150-75 Goethals Ave				
	Thomas Edison HS 165-65 84 Ave				
			(1) Exterior signage		



			barriers (CIDNY Survey)		
			(2) Entry / pathway barriers (CIDNY survey)		
			(3) Interior access barriers (CIDNY survey)		
	PS 223 125-20 Sutphin Boulevard			(1) Interior access barriers (CIDNY survey)	
	Hillcrest HS 160-05 Highland Ave		(1) Exterior signage barriers (CIDNY Survey)		
			(2) Entry / pathway barriers (CIDNY Survey)		
			(3) Interior Access barriers (CIDNY survey)		
	Young Israel 716 Beach 9 St		(1) Entry / pathway barriers (CIDNY survey)		
			(2) Interior Access barriers (CIDNY survey)		
	Boulevard Gardens 51-42 30 Ave		(1) Exterior signage barriers (CIDNY Survey)		
			(2) Entry / pathway barriers (CIDNY survey)		
			(3) Interior access barriers (CIDNY survey)		
	PS 7 80-55 Cornish Ave				
	PS 15		(1) AD Comment		

	121-15 Lucas St		"very poor lighting" and no indication this was fixed. (BOE 30)		
	PS 79 147-27 15 Drive				
	PS 78 48-09 Center Boulevard			(1) Entry / pathway barriers (CIDNY Survey) (2) Interior Access barriers (CIDNY survey)	
	IS 5 50-40 Jacobus St				
	Allen AME Senior Center 112-04 167 St				
	IS 230 73-10 34 <sup>th</sup> Ave				BMD not private. Placed near only outlet at main entrance (photo)
	Christ Lutheran Church 188-12 73 Ave		(1) Entry / pathway barriers (CIDNY Survey)		
	PS 222 86-17 37 <sup>th</sup> Ave		(1) Entry / pathway barriers (CIDNY survey)		
	PS 58 72-50 Grand Ave		(1) Improperly places access signage: "had to change handicap sign" (BOE 2956)		
	PS 92 99-01 34 Ave				
	IS 137 109-15 98 <sup>th</sup> St				
	PS 161 101-33 124 St		(1) "Assigned door clerk is absent."		

			(BOE 2446)		
	The Young Womens Leadership 150-91 87 Road		(1) Alternate accessible entrance not available, and accessible entrance is not used for all voters (BOE 1444)  (2) Second AD Group: Not compliant with pre-cleared accessible room set up: "Room was overcrowded with school supplies, children, TVs etc. . . Schematic could not be followed." (BOE 2767)		
	Taiwan Center 137-44 Northern Boulevard	(1) Inaccessible ramp (CIDNY Survey)  (2) Exterior signage barriers (CIDNY Survey)  (3) Interior signage barriers (CIDNY survey)  (4) Interior access barriers (CIDNY Survey)	(1) "No handrail on Ramp." (BOE 1556)	(1) Interior access barriers (CIDNY Survey)	
	Saint Albans Cong Church 172-17 Linden Boulevard		(1) Exterior signage barriers (CIDNY survey)  (2) Interior access barriers (CIDNY survey)		
	Samaritan Village 138-02 Queens Boulevard				
	VFW Post 150 51-11 108 <sup>th</sup> St				

	Grace Houses 155-02 90 Ave				
	Forest Hills Library 108-19 71 Ave		(1) Not visited "Sorry no time." (BOE 1657)		
	Hillcrest Jewish Center 183-02 Union Turnpike				
	PS 270 233-15 Merrick Boulevard				
	PS 238 17-15 Weirfield St				BMD turning space was less than 5'. Electracal outlet and cord did not allow poll worders to set up BMD for privacy. (only extension cord there used for scanners)
	PS 234 30-15 29 St				
	Merrick Park Baptist Church 120-02 Marsden St				
	PS 254 84-40 101 St				
	VFW Post 885 120-19 14 Road		(1) Exterior signage barriers (CIDNY survey)  (2) Entry / pathway barriers (CIDNY survey)  (3) Interior access barriers (CIDNY survey)		
	Le Havre Club 168-68 9 Ave		(1) BOE Form is untouched. Likely		

			not visited. (BOE 2830)		
	Israel Senior Housing 1925 Seagirt Boulevard				
	Mary's Nativity Church 46-02 Parsons Boulevard				
	IS 59 132-55 Ridgedale Street		(1) No indication it was visited by BOE. (BOE 1696)	(1) Interior access barriers (CIDNY survey)	
	Immaculate Conception Church 86-45 Edgerton Boulevard		(1) Exterior signage barriers (CIDNY Survey)  (2) Interior signage barriers (CIDNY survey)  (3) Interior access barriers (CIDNY Survey)		
	Services for the Underserved 318 Beach 85 Street				
	Information Tech High School 21-16 44 Road				
	Sherwood Village "C" 99-30 59 Ave				
	PS 244 137-20 Franklin Ave	(1) Entry / pathway barriers (CIDNY survey)			
	Richmond Hill Library 118-14 Hillside Ave				
	PS 305 378 Seneca Ave		(1) Alternate accessible entrance doors closed. (2) No indication there is a door		

			clerk. (BOE 1951)		
	PS 306 95-16 89 Ave				
	Elmhurst Campus HS 45-10 94 St		(1) BOE Form untouched. No indication it was visited. (BOE 2031)		
	Christ Tabernacle Church 64-36 Myrtle Ave				No ADA privacy booth
	Woodside Library 53-22 Skillman Ave				
	Beach Channel HS 100-00 Beach Channel Drive				
	Ridgewood Presbyterian Church 59-14 70 Ave				Ramp was 35' 5" too steep and too long. Ratio was 23/ 8:24.  The BMD had 48" clearance.
	St Margarets RC Church 66-05 79 Place				
	Arverne Pilgrim Church 74-16 Beach Channel Drive				
	The Vallone Family Snr Res 21-05 30 Drive				
	First Baptist Church of Corona 100-10 Astoria Boulevard				
	The Korean Church of Queens 23-37 89 St				
	Seaside Library 116-15 Rockaway Beach BLvd				
	PS 113 78-23 87 St				
	Grace Lutheran		(1) Ramp in use		

	School 100-05 Springfield Boulevard		and not set up properly. (BOE 2449)		
	Dayton Towers West 102-00 Shore Front Parkway				
	PS 34 104-12 Springfield Boulevard				
	St Leo School 104-19 49 Ave		(1) Accessible entrance signs not properly posted.  (2) Accessible door was closed. (BOE 2016-2017)		
	IS 53 10-45 Nameoke St				
	PS 14 107-01 Otis Ave				
	PS 108 108-10 109 Ave		(1) Insufficient access signage. "Handcap signs short." (BOE 1964)		
	IS 8 108-35 167 St		(1) Interior access barriers (CIDNY survey)		
	PS 40 109-20 Union Hall St				
	PS 160 109-59 Inwood St				
	IS 192 JHS 109-89 204 St				
	PS 100 111-11 118 St		(1) Exterior signage barriers (CIDNY survey)  (2) Entry / pathway barriers (CIDNY survey)  (3) Interior signage barriers (CIDNY survey)		

			(4) Interior Access barriers (CIDNY survey)  BOE Survey: (1) Accessible entrance interior doors to the poll room are not open and clear of obstructions. (BOE 2410)		
	PS 140 166-11 116 Ave				
	Ocean Park Apartments 120 Beach 19 St				
	PS 226 JHS 121-10 Rockaway Boulevard		(1) Interior access barriers (CIDNY Survey)		
	PS 121 126-10 109 Ave				
	PS 30 126-10 Bedell St				
	PS 129 128-02 7 Ave		(1) Interior Access barriers (CIDNY survey)  (2) BOE says Not compliant with pre-cleared accessible site set up: "Site was not set up according to schematic" (BOE 1506)		
	PS 124 129-15 150 Ave		1) Exterior Signage barriers (CIDNY survey)		
	Brookdale Village Senior Ctr 131 Beach 19 <sup>th</sup> St		(1) Exterior signage barriers (CIDNY Survey)  (2) entry / pathway barriers (CIDNY survey)		



			(3) interior access barriers (CIDNY survey)		
	PS 55 131-10 97 Ave			(1) Inaccessible ramp (CIDNY Survey) (2) Exterior signage barriers (CIDNY survey) (3) Entry / pathway barriers (CIDNY survey) (4) Interior access barriers (CIDNY survey)	
	IS 72 133-25 Guy R Brewer Blvd		(1) Signage improperly posted when AD monitors arrived.  (2) "not enough lights over the BMD and where the workers work." (BOE 2423)		
	Bland Community Center 133-36 Roosevelt Ave				
	PS 202 JHS 138-30 Lafayette St		(1) BOE Says Not visited "We were unable to get to." (BOE 1600) "We did not inspect" (1602)		
	PS 171 14-14 29 Ave				
	IS 142				

	142-10 Linden Boulevard				
	PS 20 142-30 Barclay Ave	(1) Inaccessible ramp (CIDNY Survey)  (2) Entry / pathway barriers (CIDNY Survey)  (3) Interior access barriers (CIDNY survey)	(1) Exterior signage barriers (CIDNY Survey)  No indication site was ever visited by BOE (blank AD inspection form) (BOE 1564)		
	Springfield Gardens HS 143-10 Springfield Blvd		(1) "Missing signs for both inside and outside poll site" (BOE 2928)  (2) "No door clerks" (BOE 2931)		
	PS 50 143-26 101 Ave				
	PS 219 144-39 Gravett Road		(1) Interior access barriers (CIDNY survey)		
	PS 189 JHS 144-80 Barclay Ave		(1) No indication site was ever visited by BOE (blank AD inspection form) (BOE 1567)		
	PS 231 JHS 145-00 Springfield Boulevard		(1) exterior signage barriers (CIDNY survey)  (2) Entry / pathway barriers (CIDNY survey)  (3) Interior access barriers (CIDNY survey)		
	PS 185 JHS 147-26 25 Drive		(1) Access signage missing.  (2) Directional signage to the		

			alternative accessible entrance not properly posted. (BOE 2818)		
	PS 181 148-15 230 St				
	PS 193 152-20 11 Ave		Form is untouched. Likely not visited. (BOE 2827)		
	PS 22 153-33 Sanford Ave				
	PS 232 153-23 83 St		"Did not visit" (BOE 1603)		
	August Martin HS 156-10 Baisley Boulevard				
	Aguilar Gardens 156-11 Aguilar Ave		(1) Inaccessible ramp (CIDNY survey)  (2) Exterior signage barriers (CIDNY survey)		
	PS 163 159-01 59 Ave				
	Ps 207 159-15 88 Street		"Did not visit." (BOE 1609)  Other AD Monitor Comment "Door clerk a no show." (BOE 2106)		
	PS 209 16-10 Utopia Parkway				
	PS 184 163-15 21 Road				
	PS 107 167-02 45 Ave		(1) At 8:40 pm: alternate accessible entrance door closed. Not easily opened from outside. (BOE 2190)  (2) Signage		

			barriers. AD Comment "No internal signs. Handicap signs not marked as to location." (BOE 2190)		
	PS 131 170-35 84 Ave		AD Comment: "Secured windblown handicap sign." (BOE 2171)		
	PS 80 171-05 137 Ave				
	PS 32 171-11 35 Ave		(1) Entry / pathway barriers (CIDNY survey)		
	Ps 173 174-10 67 Ave		(1) At 5:02pm Accessible "door closed – corrected by locking it open" (BOE 2181)	(1) Entry / Pathways barriers (CIDNY Survey)	
	PS 52 178-37 146 Terrace			(1) Interior access barriers (CIDNY survey)	
	PS 95 179-01 90 Ave				
	PS 37 179-37 137 Ave				
	PS 169 18-25 212 St		(1) entry / pathway barriers (CIDNY Survey)		
	PS 36 187-01 Foch Boulevard				
	PS 178 189-10 Radnor Road				
	PS 118 190-20 109 Road		(1) Exterior signage barriers (CIDNY survey)  (2) Entry / pathway barriers (CIDNY Survey)		

			(3) Interior signage barriers (CIDNY Survey)  (4) Interior access barriers (CIDNY survey)		
	PS 35 191-02 90 Ave				
	PS 26 195-02 69 Ave		(1) Signage missing at the alternate accessible entrance. Directional signage missing for alternate accessible entrance. (BOE 2630)		
	PS 101 2 Russell Place		(1) Inaccessible ramp (CIDNY survey)  (2) Entry / pathway barriers (CIDNY survey)  (3) Interior access barriers (CIDNY Survey)		
	PS 130 200-01 42 Ave		"BMD not working. Called – no repair as yet" (4:20pm) (BOE 1503)		
	PS 162 201-02 53 Ave		Signs for alternate handicap entrance missing. Directional arrows to alternate handicap entrance not posted properly. (BOE 2624)	(1) Interior access barriers (CIDNY survey)	
	PS 134 203-06 109 Ave				
	Blessed Trinity Church 204-25 Rockaway		"Did not visit" (BOE 1630).		

	Point Blvd		No door clerk present. (BOE 2086)		
	PS 159 205-01 33 Ave		1) Accessible entrance doors closed and locked. "Handicap not guarded – door locked – short inspectors."  2) "No poll worker/ door monitor." (BOE 1496- 1497)  Second AD Team "No door clerk" (BOE 2211)		
	Andrew Jackson HS 207-01 116 Ave				
	PS 135 207-11 89 Ave				
	Scheuer House of Bayside 208-11 26 Ave			(1) Exterior signage barriers (CIDNY survey) (2) Interior access barriers (CIDNY survey)	
	Queensview Inc 21-15 34 Ave				
	PS 122 21-21 Ditmars Boulevard				
	Grover Cleveland HS 21-27 Himrod St		(1) AD Comment "BMD broken, repair called in, service could not fix, would go to warehouse and try to replace. Was not able to come back." (BOE 1955)		

	PS 31 211-45 46 Road		(1) No signage for accessible entrance (BOE 3461)		
	PS 109 JHS 213-10 92 Ave		(1) No door clerk. (BOE 1820)		
	PS 41 214-43 35 Ave				
	PS 147 218-01 116 Ave				
	PS 188 218-12 Hartland Ave				
	PS 84 22-45 41 St	(1) Inaccessible Ramp (CIDNY Survey)  (2) Exterior signage barriers (CIDNY survey)  (3) Entry / pathway barriers (CIDNY survey)			
	PS 85 23-70 31 St				
	M Vanburen HS 230-17 Hillside Ave				
	PS 213 231-02 67 Ave			(1) Interior access barriers (CIDNY survey)	
	PS 112 25-05 37 Ave		(1) At 6:40 AD monitors wrote: "Poll site in auditorium, not gym. The whole place was a mess. BMD not set up properly." (BOE 2384)		
	PS 186 252-12 72 Ave				
	PS 138 251-11 Weller Ave				
	PS 195 253-50 149 Ave				
	PS 104				

	26-01 Mott Ave				
	Lexington School 25-26 75 Street				
	North Shore Towers 272-40 Grand Central Parkway				
	Newcomers HS 28-01 41 Ave				
	St. Joseph School 43-19 30 <sup>th</sup> Ave				
	PS 70 30-45 42 Street		(1) Entry / pathway barriers (CIDNY survey)  BOE Comment (2) Door clerk is a "No show" (BOE 2555)	(1) Entry / Pathway barriers (CIDNY Survey)  (2) Interior access barriers (CIDNY survey)	
	PS 214 31-15 140 Street				
	Bayside HS 32-24 Corporal Kennedy St				
	PS 166 33-09 35 Ave				
	Southridge Co-Op #3 33-24 91 St				
	IS 145 33-34 80 St				
	PS 152 33-52 62 St		(1) Exterior accessible entrance door closed.  (2) No door clerk. AD Comment: "The doors for the Accessible entrance were CLOSED. We had to tell coordinator to place someone there." (BOE 1851)		Inside ramp slope exceeds ADA guidelines. 3" 10 24" (photo)  Due to students in school for primary day privacy booths were not ADA



					compliant (photo)
	IS 25 34-65 192 St				
	PS 143 34-74 113 St				
	St Andrews School 35-60 158 <sup>th</sup> St				
	PS 76 36-36 10 St		(1) No door clerk at alternate accessible entrance. (BOE 1936)  (2) exterior signage (CIDNY Survey)  (3) Entry / pathway barriers (CIDNY survey)		
	MS 333 365 Beach 57 Street				
	PS 199 39-20 48 Ave	(1) Inaccessible Ramp (CIDNY survey)	(1) AD Monitor Comments "There is no light at the entrance/ exit door. It is very dangerous as darkness set in. The coordinator looked for maintenance and none could be found." (BOE 2575)		
	PS 150 40-01 43 Ave				
	PS 98 40-20 235 St		(1) Outside signage not posted properly "Front of school problem."  (2) Directional signage to alternative accessible entrance not posted properly. (BOE		

			2800)  (3) Accessible entrance doors not open. No door clerk present. Comments indicate that school required accessible entrance to be closed if children were in the school yard. (BOE 2801)		
	Astoria Community Center 4-05 Astoria Boulevard				
	PS 94 41-77 Little Neck Parkway				
	PS 12 42-00 72 St		(1) Signs for the alternative accessible entrance not posted. (BOE 1840)		
	PS 105 420 Beach 51 St		(1) Improper Signage: "Some signs taken off" No door clerk BOE 1759 - 1760		
	Goodwill Apartments 4-21 27 Ave				
	Beach 41 <sup>st</sup> St Comm Ctr 426 Beach 40 Street				
	Queen of Angels Parish Center 43-18 Skillman Ave		(1) interior access barriers (CIDNY Survey)		
	Queens Botanical Gardens 43-50 Main St				
	Rosenthal Senior Center 45-25 Kissena Boulevard				
	PS 125 JHS				

	46-02 47 Ave				
	IS 237 46-21 Colden St		(1) Accessible entrance closed and not easy to open from outside. (BOE 2071)		
	Newtown HS 48-01 90 Street				
	IS 61 98-50 50 Ave		(1) Both BOE forms untouched. No indication it was visited. (BOE 2019 and 2046)		
	PS 67 JHS 51-60 Marathon Parkway				
	PS 215 5-35 Briar Place		(1) Interior door to poll room closed. Not easy to open from the outside. No interior door clerk. (BOE 1765)		
	PS 11 54-25 Skillman Ave				
	PS 13 55-01 94 St		(1) Exterior signage barriers (CIDNY survey)  (2) Entry / pathway barriers (CIDNY survey)  (3) Interior Signage barriers (CIDNY survey)  (4) Interior Access barriers (CIDNY Survey)		
	PS 102 55-24 Van Horn St				
	PS 177 56-37 188 St		(1) Signage for alternate accessible entrance and (2) directional arrows to alternate		

			<p>accessible entrance not posted/missing.</p> <p>(3) Door initially closed. Door monitor opened. (BOE 2627 - 2628)</p>		
	Benjamin Cardozo HS 57-00 223 St				
	Ocean Village 57-07 Shore Front Parkway		<p>BOE Found:</p> <p>(1) Directional arrows not properly posted. "At ocean village site, outside signs were taken down by the kids in the complex." (BOE 1753-1755)</p> <p>(2) Exterior signage barriers (CIDNY Survey)</p> <p>(3) Entry / pathway barriers (CIDNY Survey)</p> <p>(4) Interior access barriers (CIDNY Survey)</p>		
	PS 120 58-01 136 Street		(1) Interior accessible door to the poll room closed and/or obstructed. (BOE 2652)		
	Francis Lewis HS 58-20 Utopia Parkway		<p>(1) At 6:30pm. accessible entrance doors closed and not easily opened from outside.</p> <p>(2) No door clerk. (BOE 2184)</p>		

	Big Six Towers 59-15 47 Ave				
	PS 81 599 Cypress Ave			(1) Exterior signage barriers (CIDNY survey)  (2) Interior Access barriers (CIDNY survey)	
	PS 153 60-02 60 Lane				
	PS 88 60-85 Catalpa Ave				BMD had a 46 and ½ clearance and the ADA privacy booth 56 and 3/4ths  front slope greater than 30ft with no landing (ask Monica)
	Fairview Apartments 61-20 Grand Central Parkway		(1) Not compliant with pre-cleared accessible schematic: 3:30pm "Room was not set up according to lay out but was changed to sufficiently demonstrate 1,2,3 process. . . Signage leading to poll site was insufficient and changed." BOE 2875		
	PS 206 61-21 97 Place				
	PS 187/811 Q 61-25 Marathon				

	Parkway				
	PS 220 62-10 108 St		(1) Site uses a portable ramp but "there was no ramp installed" (BOE 1891)		
	PS 157 JHS 63-55 102 Street				
	PS 175 64-35 102 St		(1) Interior doors to poll room obstructed "lunch tables were close to door." (BOE 2865)  (2) Exterior signage barriers (CIDNY Survey)	(1) interior Access barriers (CIDNY Survey)	
	PS 46 64-45 218 St				
	PS 174 65-10 Dieterie Crescent			(1) Inaccessible ramp (CIDNY Survey)  (2) Interior access barriers (CIDNY Survey)	
	PS 93 JHS 66-56 Forest Ave				
	PS 229 67-25 51 Road		(1) Not compliant with pre-cleared accessible schematic: "Room did not follow exact floor plan." (BOE 2964).		
	PS 87 67-54 80 St				
	PS 190 JHS 68-17 Austin St		(1) First AD Team: "Room is DARK, Dark." (BOE 1656)  (2) No door clerk.	(1) Entry / pathway barriers (CIDNY survey)	

			(BOE 1654)  Second AD Team: "No door clerk." (BOE 2287)	(2) Interior access barriers (CIDNY survey)	
	PS 128 69-10 65 Drive		(1) All signage missing. No directional arrows.  (2) No signs posted at accessible entrance. (BOE 1632)  (3) "Gold key for BMD missing. BMD was left unopen until told coord it must be opened." (BOE 1635)  Second AD Team: Improper directional signage comment: "Hard to find, place is in the basement." (BOE 2896)  (3) Not compliant with pre-cleared accessible schematic: "extremely noisy and crowded. A teacher constantly on the loud- speaker. They only had half the available space." (BOE 2989)		
	PS 73 JHS 70-02 54 Ave		(1) Improper access signage: "Had to move handicap sign." (BOE 2959)		

			(2) "Not a good room for the election due to the sharing of the lunch room with the students. Students were loud, hard to understand what's going on, or where to go even with all the signs hung properly, if weren't for door clerk people may not know where to go." (BOE 2961)		
	PS 200 70-10 164 St		(1) "Bell from BOE did not work." (BOE 1538)		
	PS 165 70-35 150 St				
	Sand Castle 7-11 Seagirt Ave				
	Immaculate Conception Center 72-00 Douglaston Parkway		(1) "One handicapped sign by street handing by a string, blowing in the wind." (BOE 2147)		
	Dayton Towers East 7400 7400 Shore Front Parkway				
	PS 154 75-02 162 Street		(1) AD Comment "Handicap entrance far away from main entrance. Should have more arrows." (BOE 2177)		
	PS 205 75-25 Bell Boulevard				
	PS 69 77-02 37 Ave		(1) Form untouched. No		



			indication it was visited. (BOE 2025)		
	Meadowbrook Apartments 77-15 113 St				
	PS 49 79-15 Penelope Ave				
	Creedmoor Hospital 79-25 Winchester Boulevard				
	PS 115 80-51 261 St				
	Dayton Beach Park 8200 8200 Shore Front Parkway				
	Hammel Comm Center 81-14 Rockaway Beach Blvd				
	PS 64 82-01 101 Ave				
	PS 99 82-37 Kew Gardens Road			(1) Interior access barriers (CIDNY survey)	
	Forest Park Co-op 83-55 Woodhaven Boulevard		(1) entry / pathway barriers (CIDNY survey)  (2) Interior access barriers (CIDNY survey)		
	VFW Post 551 84-02 60 Ave		(1) No hand rails on ramp. "Never had hand rails, was the same ramp / rail the place uses."  (2) Door clerk not present. (BOE 2954)		
	PS 217 JHS 85-144 Street				
	Briarwood Library 85-12 Main St				

	PS 191 85-15 258 St				
	PS 89 85-28 Britton Ave		(1) entry / pathway barriers (CIDNY survey)  (2) Interior access barriers (CIDNY survey)  BOE Form untouched. No indication it was visited. (BOE 2028)		Entrance under heavy construction (photo)
	PS 97 85-52 85 Street				
	Dayton Beach Park 8600 8600 Shore Front Parkway				
	PS 54 86-02 127 St		(1) Not compliant with pre-cleared accessible schematic. "Room needed to be changed due to needs of the school. Lunch room was in original site layout." (BOE 2854)		
	PS 56 86-10 114 St		(1) BMD not accessible when AD Monitors arrived: "Rotated BMD and set up properly. Placed 5 feet from wall." (BOE 2835)		
	PS 18 86-35 235 Court		(1) "Custodian would not allow entrance" to be opened. Accessible entrance doors were closed (possibly locked)		

			(BOE 1811)		
	PS 90 86-50 109 St		(1) Handicap signage initially improper. (BOE 2839)  (2) Exterior accessible entrance doors obstructed by "card board box which was blocking entrance." (BOE 2840)  (3) Not compliant with pre-cleared accessible schematic. "Room was not set up to fit the layout but was changes as best as possible. Room had vending machines and televisions which affected the way the room could be set up." (BOE 2842)		
	Hilltop Village Co-op 87-15 204 Street				
	PS 113 78-23 87 Street				
	PS 82 88-02 144 St		(1) Directional Signage insufficient: "More directional arrows needed" (BOE 2759)		
	IS 238 88-15 182 Street				
	Central Library 89-11 Merrick Boulevard		(1) Accessible entrance door not open. Not easily opened from outside. "Doors are computerized not to open." Interior		

			"doors are on timer." Problem not corrected. (BOE 1667)		
	PS 63 90-15 Sutter Ave				
	PS 60 91-02 88 Ave		(1) Exterior signage barriers (CIDNY Survey)  (2) Entry / Pathway barriers (CIDNY survey)  (3) Interior access barriers (CIDNY survey)		
	PS 33 91-37 222 Street		(1) No door clerk available. (BOE 1814)		
	Peninsula Library 92-25 Rockaway Beach Blvd				
	PS 144 93-02 69 Ave			(1) Entry / pathway barriers (CIDNY survey)	
	PS 139 93-06 63 Drive				
	PS 210 JHS 93-11 101 Ave		(1) Not compliant with pre-cleared accessible site set up: "Site was not arranged according to plan." BOE 1590		
	PS 149 93-11 34 Ave		(1) Alternate accessible entrance signs not posted.  (2) Directional arrows to alternate accessible entrance not posted. (BOE 1861)  (3) Accessible door		

			closed. (BOE 1862)		
	Lefrack City Apartments 96-10 57 Ave				
	PS 62 97-25 108 Street				
	PS 146 98-01 159 Ave		<p>(1) First BOE team: Not compliant with pre-cleared accessible schematic. "The poll room is not laid out as to the schematic because classes are held in the same room which necessitates an accommodating reformation of equipment."</p> <p>(2) "Due to room use and congestion, the BMD could not be positioned properly . . . as to assure proper access." (BOE 2110)</p> <p>Second BOE team: "Did not visit" (BOE 1606)</p> <p>(3) Inaccessible ramp (CIDNY Survey)</p> <p>(4) Entry / pathway barriers (CIDNY survey)</p> <p>(5) Interior Signage barriers (CIDNY Survey)</p> <p>(6) Interior access barriers (CIDNY</p>		

			Survey)		
	Forest Park Library 98-27 Metropolitan Ave				
	PS 19 40-32 99 Street		(1) No door clerks. (BOE 2008)	(1) Exterior signage barriers (CIDNY survey)  (2) Entry / pathway barriers (CIDNY survey)  (3) Interior Access barriers (CIDNY survey)	
	Far Rockaway HS 821 Bay 25 St		(1) Ramp not set up or not properly set up by custodian. (BOE 2682)		
	PS 91 68-10 Central Ave				
	PS 114 134-09 Cronston Ave		First AD Team "Did not visit." (BOE 1627)  Second AD team: (1) No door clerk present at accessible entrance.  (2) Accessible entrance closed.  AD Comments: "Call made to bd of E for additional people. School office insisted that the emergency		

			[accessible] entrance must remain closed until bd of e personal can cover it." (BOE 2091 - 2092)		
	Queensbridge North Comm Ctr 10-25 41 Ave				
	Redfern Community Center 15-44 Hassock Street				
<b>Staten Island</b>					
	IS 61 445 Castleton Ave		(1) Exterior signage missing on front gate (BOE 3431)  (2) Portable ramp was not accessible / not set up properly (BOE 3432)		
	Staten Island Tech HS 485 Clawson St				
	IS 75 455 Huguenot Ave				
	PS 37 15 Fairfield St				
	Curtis HS 105 Hamilton Ave				
	New Dorp HS 465 New Dorp Lane		(1) Signage not properly posted outside (BOE 3566)		
	Saint Christophers 136 Midland Ave		(1) Signage not properly posted outside (BOE 3467)  (2) Portable ramp unsafe (BOE 3644)		
	Saint Paul's Meth Ch 7557 Amboy Road				
	IS 2 333 Midland Ave		(1) Signage not properly posted outside, directional		

			arrows (BOE 3623)		
			(2) Portable ramp unsafe (BOE 3624)		
	PS 42 380 Genesee Ave				
	Tennis Club 42 Revere Street				
	IS 72 33 Ferndale Ave				
	Olivet Presby Church 97 Myrtle Ave				
	Central Family Life Center 59 Wright Street				
	Gold Star American Legion 17 Cannon Ave				
	Holy Rosary Par Ctr 85 Jerome Ave				
	The Elks 3250 Richmond Ave				
	PS 20 161 Park Ave				
	PS 56 250 Kramer Ave		(1) No signage for accessible entrance (BOE 3443)		
			(2) No door clerk present (BOE 3444)		
	PS 5 348 Deisius Street				
	PS 6 555 Page Ave				
	PS 22 1860 Forest Ave				
	Petrides School 715 Ocean Terrace		(1) Ramp not set up properly (BOE 3414)		
			(2) No door clerk at accessible entrance (BOE 3414)		
	Christian Pentecostal Church		(1) Signage: directional signs		



	910 Richmond Road		missing (BOE 3434)		
			(2) No door clerk present (BOE 3435)		
	PS 58 77 Marsh Ave		(1) Accessible entrance not open, no door clerk present (BOE 3366)		
	Summerfield UMC 104 Harbor Road				
	South Beach Community 155 Norway Ave				
	The Tides at Charleston 15 Tides Lane				
	PS 65 98 Grant Street				
	Castleton Hill Moravian Church 1657 Victory Boulevard				
	PS 14 100 Tompkins Ave				
	Castleton Park Apartments 185 St Marks Place				
	Richmond Terrace Comm Ctr 71 Jersey St				
	All Saints Church 2329 Victory Boulevard				
	PS 57 140 Palma Drive		(1) Exterior signage not posted properly, AD monitor had to post signage (BOE 3362)		
	PS 48 1055 Targee Street				
	PS 54 1060 Willowbrook Road				
	Concord HS 109 Rhine Ave		(1) Maintenance had to remove interior blockage		

			(BOE 3554)		
	IS 27 11 Clove Lakes Place				
	Cassidy/Lafayette Senior Center 125 Cassidy Place		(1) Signage not properly posted outside (BOE 3578)		
	Ps 69 144 Keating Place				
	PS 29 1581 Victory Boulevard				
	Cichon Post 100 Innis Street				
	Stapleton Community Center 189 Gordon Street				
	PS 13 191 Vermont Ave				
	IS 51 20 Houston Street				
	PS 36 Annex 200 Jefferson Boulevard				
	Berry Community Center 211 Jefferson St				
	IS 24 225 Cleveland Ave		(1) Signage not properly posted outside (BOE 3664)		
	PS 36 255 Ionia Ave				
	Todt Hill Community Center 255 Westwood Ave		(1) Signage not posted at time of inspection (BOE 3485)		
	Elizabeth Connelly Campus 280 Regis Drive		(1) No door clerk present (BOE 3354)		
	PS 23 30 Natick St				
	PS 32 32 Elverton Ave				
	PS 53 330 Durant Ave		(1) Signage not properly posted outside (BOE 3620)		
	PS 52				

	450 Buel Avenue				
	Susan Wagner HS 50 Brielle Ave				
	Walker Park Club 50 Delafield Place		(1) "Ramp too small for wheelchairs" (BOE 3495)		
	PS 11 50 Jefferson St				
	PS 55 54 Osborne Street				
	PS 31 55 Layton Ave				
	PS 35 60 Foote Ave				
	New Lane Senior center 70 New Lane				
	Staten Island Academy 715 Todt Hill Road				
	PS 19 780 Post Ave		(1) Portable ramp not set up properly "planted walkway" (BOE 3447)		
	PS 44 80 Maple Parkway				
	PS 16 80 Monroe Ave				
	PS 3 80 South Goff Ave				
	PS 40 91 Henderson Ave				
	PS 50 200 Adelaide Ave		(1) Exterior signage not posted properly (BOE 3374) (2) Unsafe Ramp (BOE 3375, 3594)		
	PS 18 220 Broadway				
	IS 7 1270 Huguenot Ave				
	PS 8 100 Lindenwood Road		(1) Signage not properly posted outside (BOE 3509)		

			(2) Ramp not properly set up, "handrails didn't fit" (BOE 3510)		
	PS 60 55 Merrill Ave				
	PS 4 200 Nedra Lane		(1) No signage for accessible entrance (BOE 3500)		
	PS 39 71 Sand Lane				
	PS 30 200 Wardwell Ave				
	Parkview Apartments 700 Victory Boulevard				

**EXHIBIT B**

**AD MONITOR SAMPLE REPORT**

1

Poll Site (Name and Address)	Temporary Modifications Needed to Ensure Accessibility on Election Day	Barriers Found/Temporary Modifications Not Implemented

EXHIBIT C

DEPARTMENT OF JUSTICE POLLING PLACE ACCESSIBILITY CHECKLIST

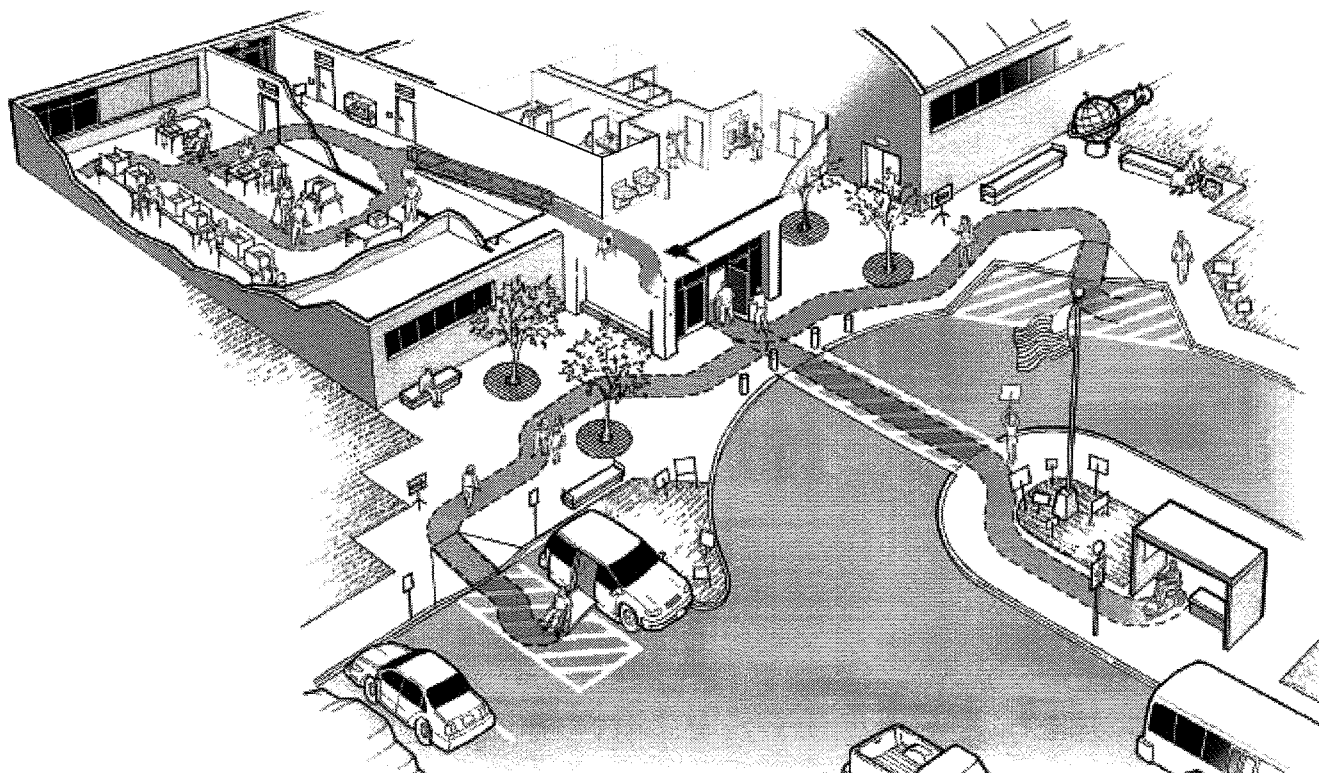


U.S. Department of Justice  
Civil Rights Division  
*Disability Rights Section*



## Americans with Disabilities Act

# ADA Checklist for Polling Places



February 2004

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### **Disclaimer**

The ADA authorizes the Department of Justice to provide technical assistance to individuals and entities that have rights or responsibilities under the Act. This document provides informal guidance to assist you in understanding the ADA and the Department's regulation. However, this technical assistance does not constitute a legal interpretation of the statute.

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## ADA Polling Place Checklist

## Evaluating the Physical Accessibility of Polling Places

When choosing a new site for a polling place, elections officials should select a facility that is accessible to voters who use wheelchairs or scooters or who have difficulty walking. Planning for an upcoming election also gives elections officials the opportunity to improve existing polling places that are not accessible by using temporary elements, such as portable ramps, on election day or by working with building owners to make permanent alterations that improve the accessibility of the polling place.

The following checklist is designed to help voting officials determine whether a polling place has basic accessible features needed by most voters with disabilities. It may be used when evaluating the accessibility of potential new polling places and when identifying physical barriers in existing polling places before temporary or permanent modifications are made to improve accessibility for elections.

Individuals completing the checklist do not necessarily need to be experienced in evaluating buildings and facilities for accessibility. The checklist is designed to prompt the user to check key features by asking questions about sizes, sloped surfaces, and availability of accessible features, and in some areas it suggests alternatives if a physical barrier is identified. By following the directions provided for filling out the checklist, voting staff and volunteers can identify accessible polling places and develop information used for implementing temporary and permanent modifications.



A voter enters an accessible polling place.



## ADA Polling Place Checklist Checklist Instructions

## Getting Started

An evaluation of polling place accessibility should focus on those areas of a facility that are important to voting. These often include parking for voters, a drop off or loading area, the entrance to the polling place, and the pedestrian routes (both exterior and interior) that voters use to get to the voter check-in and voting area.

Before a polling place is evaluated, it is useful for staff or volunteers to review the instructions for using the checklist and become familiar with the questions. It is also helpful to practice taking measurements and recording information before beginning the evaluation.

When staff arrive at a polling place, it is best to first determine the location of parking, including accessible parking (if any is provided), the entrance that will be used on election day, and the location of the voting area. If the survey is being done to determine the accessibility of a new location for a polling place, then the walk-through should look for areas that provide the best accessibility, where simple modifications may provide accessibility, or where it may be easiest to improve accessibility by adding temporary features.

## Using the Polling Place Checklist

### Tools and Documentation

A few simple tools may be used to measure the sizes and the slope of specific elements and spaces:

- A metal tape measure at least 15-feet long
- A level with a bubble measure or a digital measure at least twenty-four inches long for measuring slope, and
- A clipboard, copy of the checklist (one copy per polling place), and pens or pencils.

It is also a good idea to have a film or digital camera to document important areas that may need to be reviewed later. Any camera may be used to shoot photographs but one with a flash is most useful, particularly when indoor photos are needed.

### Use the Checklist to Record Data

The checklist is designed to prompt the users on what to look at and where to measure. All answers and notes should be recorded on the checklist for use later in the planning process. When completed, the checklist should provide an indication of the level of accessibility at the polling place. If photographs are taken during the survey, it is helpful to note on the checklist that a photo was taken for later review of particular elements, spaces, or conditions.

### Completing Measurements and Recording Information

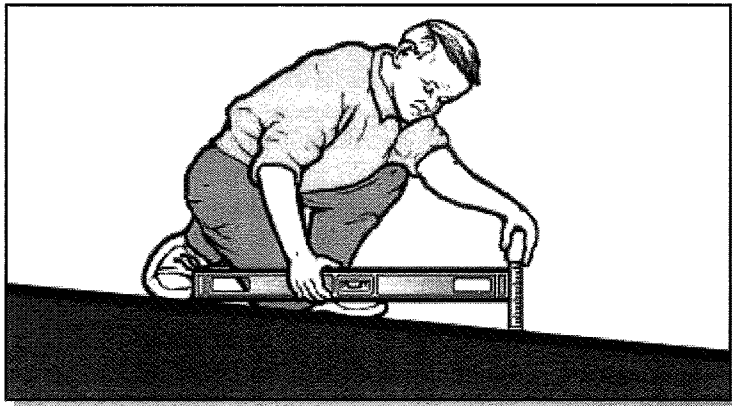
One person can complete a survey of a polling place but it is often quicker and easier for two people to work together. One can be responsible for taking the measurements and the other for recording the information and taking any photographs.

## ADA Polling Place Checklist Checklist Instructions

**Taking Measurements****Sloped Surfaces**

One way to measure slope is to use a 24-inch level with leveling bubble and a tape measure. Place the level on the incline in the direction you wish to measure. Rest one end of the level at the highest point of the sloped surface and lift the other end (as shown in the illustration) until the bubble is in the middle of the tube. This is the "level" position. While the level is in this position, measure the distance between the end of the level and the sloped surface below. If the distance is 2 inches or less, then the slope is 1:12 or less. When the distance is greater than 2 inches, record the distance on the checklist so the exact slope may be calculated later if needed.

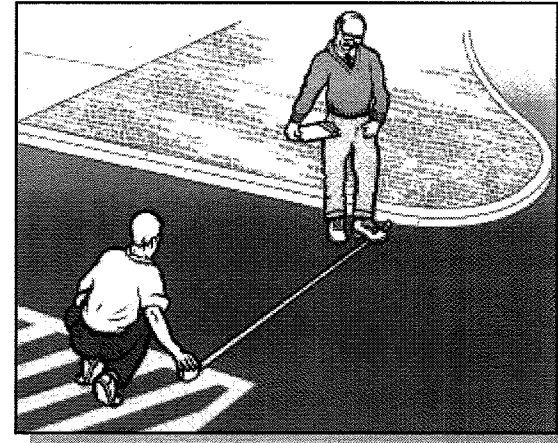
Slopes may also be measured using a digital level. The digital display replaces the bubble and typically gives a reading that may be shown as a digital bubble, degrees, or a percent. Before using a digital level make sure to familiarize yourself with the directions. Many digital levels need to be calibrated each time they are used. If you can set the digital display to percent or degrees, the maximum slope generally allowed is 8.33% or 4.76 degrees (for a 1:12 slope).



Measuring slope using a 24-inch level and tape measure

**Using the Tape Measure**

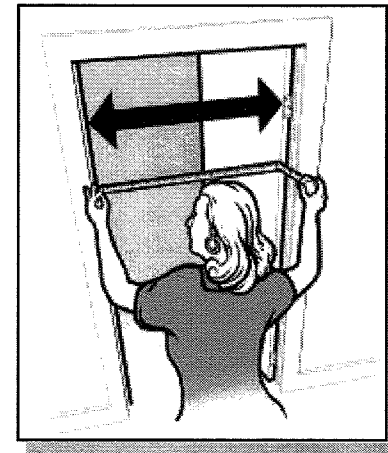
When measuring the width of a parking space or access aisle, the width of an accessible route or the height of an object above the floor, for example, try to keep the tape from sagging or bending. If the tape is not straight, try to support the tape in the middle or pull it tight and take the measurement again.



Using a tape measure to measure the width of a parking space

**Measuring Door Openings**

Measuring the clear opening of an accessible door requires special care. To measure the opening of a standard hinged door, open the door to 90 degrees. Place the end of the tape measure on the side of the door frame next to the clear opening (as shown in the drawing). Stretch the tape across the door opening to the face of the door. This measurement equals the clear open width of the door, which is typically less than the width of the door.



Measuring the clear opening from the face of the doorstop on the frame to the face of the open door

**ADA Polling Place Checklist** Checklist Instructions**Completing the Checklist**

For each checklist item, check either "yes" or "no." If the measurement or number falls short of that required for accessibility, write the measurement or number to the right of the question in the area under "Comments." Add notes or comments as needed. For some questions when "no" is the answer, the checklist will include a prompt to check for an alternate solution. Information on alternate access can be used later as voting officials decide how to provide accessible voting.

When completing the survey, it is important to try to answer every question in each section, unless, of course, the element is not present at the particular site under review. For example, if there is no parking provided on-site at the polling place, or only on-street parking is provided, there is no need to try to measure the size of the parking spaces or to count the number of parking spaces.

The checklist is based on requirements from the ADA Standards for Accessible Design (Standards). Each item includes a reference to the technical requirements in the Standards from 28 C.F.R. Part 36, Appendix A. This reference is provided to assist users in looking up the requirement or related requirements when necessary. An electronic copy of the Standards is available on the ADA Website at [www.ada.gov](http://www.ada.gov). Printed copies are also available from the ADA Information Line at 800-514-0301 (voice) or 800-514-0383 (TTY).

**After Completing the Survey**

Completed polling place surveys will provide the information needed to determine which sites are accessible and which may become accessible with permanent or temporary modifications. Checklists where most answers are "yes" will usually indicate an accessible polling place. Others, where some answers are "no," may become accessible if permanent or temporary modifications are done to remove barriers. Polling places in older buildings may have few accessible features but some of these voting facilities may be able to be made accessible with temporary modifications, such as portable ramps at the entrance and accessible parking spaces marked off by traffic cones. There may also be some sites that cannot be made accessible so plans will be needed to offer accessible voting in some other way.

For more information about temporary modifications, see **Temporary Solutions for Election Day** at the end of each section of this document.

**Alterations**

When State and local governments make permanent modifications or alterations to facilities that serve as polling places these alterations must comply with the ADA Standards. For more information visit the **ADA Website** to view or download the ADA Standards, technical assistance materials, and general ADA information.

**[www.ada.gov](http://www.ada.gov)**

For specific questions about the ADA, call the Department of Justice **ADA Information Line**.

**800-514-0301** (voice)  
**800-514-0383** (TTY)



## Polling Place Checklist

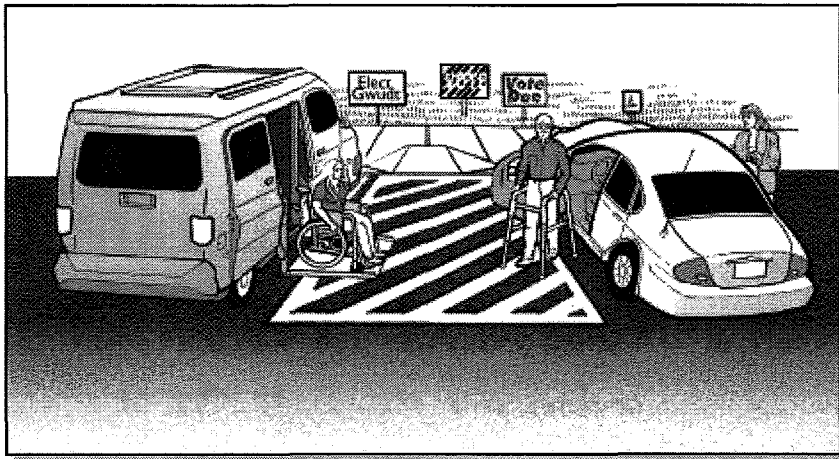
## Getting to the Polling Place

### A. Parking

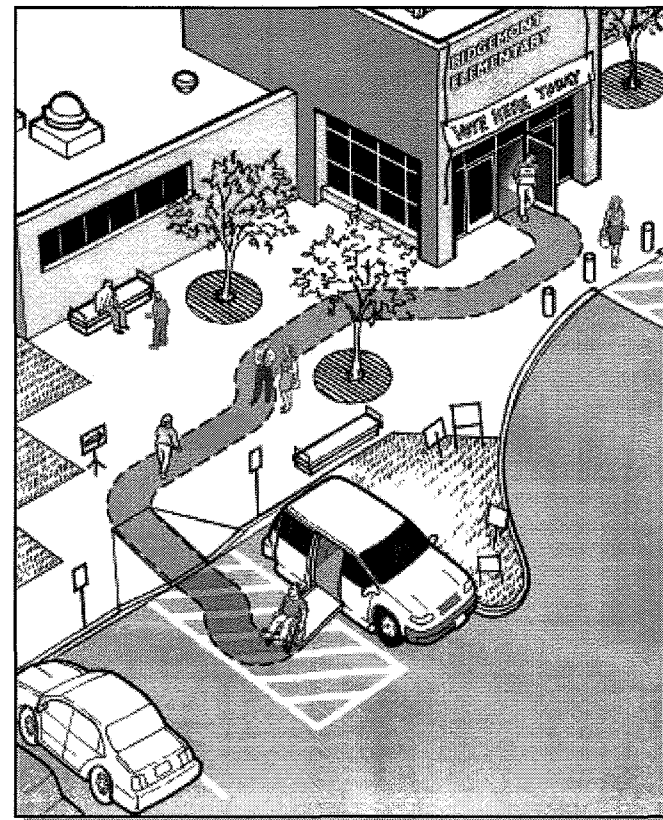
#### Typical Issues

When parking is provided for voters, staff and volunteers, accessible parking must be provided for people with disabilities. Voters with disabilities who arrive by car need a parking space close to an accessible entrance. The accessible parking space has an adjacent access aisle that provides needed room for a person to open the car door fully and then stand with the aid of a walker, to transfer to a wheelchair, or to lower a wheelchair lift. The access aisle connects directly to an accessible route that leads to an accessible building entrance. In order to be usable, the access aisle must be relatively level, clear of gravel or mud, and the surface must be in good condition without wide cracks or broken pavement.

An accessible route connects the access aisle of each accessible parking space with the accessible entrance to the polling place. When an accessible route crosses a curb, a curb ramp must be provided. If the accessible route connects the access aisle to the accessible entrance using the parking lot surface, a marked crosswalk should be provided on the vehicular route.



Van-accessible parking spaces serve both cars and vans. A wide access aisle is needed so a wheelchair lift may be lowered from the van onto the level surface.





## Polling Place Checklist Parking Spaces

## Comments

## Parking Spaces Checklist

A1. If parking is available, count the total number of parking spaces provided for the polling place. Are the minimum number of accessible parking spaces provided, based on the total number of available parking spaces (see table below)?

Yes \_\_\_\_\_ No \_\_\_\_\_

Total Spaces for Polling PlaceRequired Minimum Number of Accessible Spaces

1-25 . . . . .	1 van-accessible space w/ min. 96 inch wide access aisle
26-50 . . . . .	1 space w/ min. 60 inch wide access aisle + 1 van-accessible space
51-75 . . . . .	2 spaces w/ min. 60 inch wide access aisle + 1 van-accessible space

If more than 75, see the ADA Standards for Accessible Design, section 4.1.2, for the number of accessible parking spaces.

A2. Does each accessible parking space have its own, or share an adjacent access aisle that is least 60 inches (5 feet) wide? [ADA Std 4.6.3]

Yes \_\_\_\_\_ No \_\_\_\_\_

A3. Is there at least one van-accessible parking space provided with an access aisle that is at least 96 inches (8 feet) wide or are universal parking spaces provided with a 132 inches (11feet) wide vehicle space and a 60 inch (5 feet) wide access aisle?

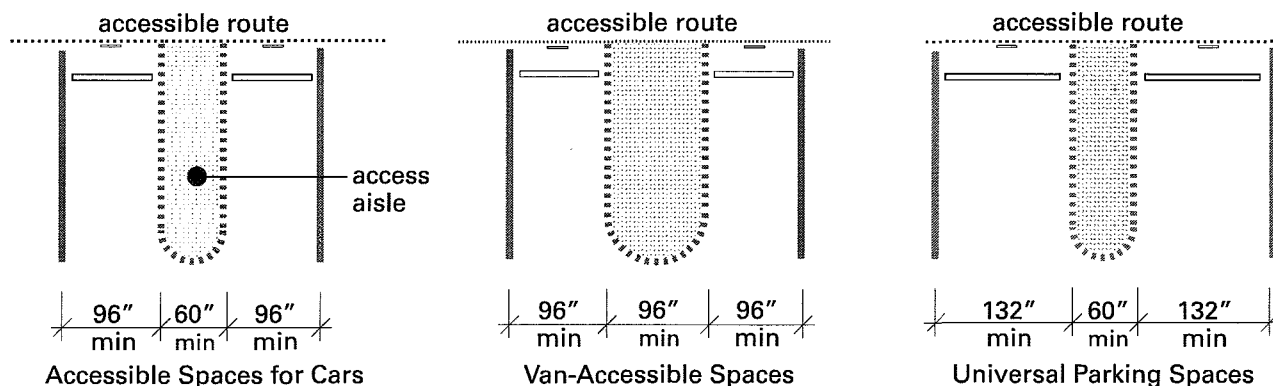
Yes \_\_\_\_\_ No \_\_\_\_\_

[ADA Std 4.1.2(5), A4.6]

A4. For van-accessible spaces, is there vertical clearance of at least 98 inches (8 feet - 2 inches) for the vehicle route to the parking space, the parking space, the access aisle and along the vehicle route to the exit? [ADA Std 4.6.5]

Yes \_\_\_\_\_ No \_\_\_\_\_

*If No: Can the route be cleared by removing or raising low objects or can each van-accessible parking space be relocated?*



Accessible Spaces for Cars

Van-Accessible Spaces

Universal Parking Spaces

Plan Views of Accessible Parking Spaces Showing Minimum Width of Vehicle Space and Access Aisle.

## Polling Place Checklist Parking Spaces

## Comments

A5. Are all accessible parking spaces, including the access aisle, relatively level (1:50 or 2%) in all directions? [ADA Std 4.6.3]

Yes \_\_\_\_\_ No \_\_\_\_\_

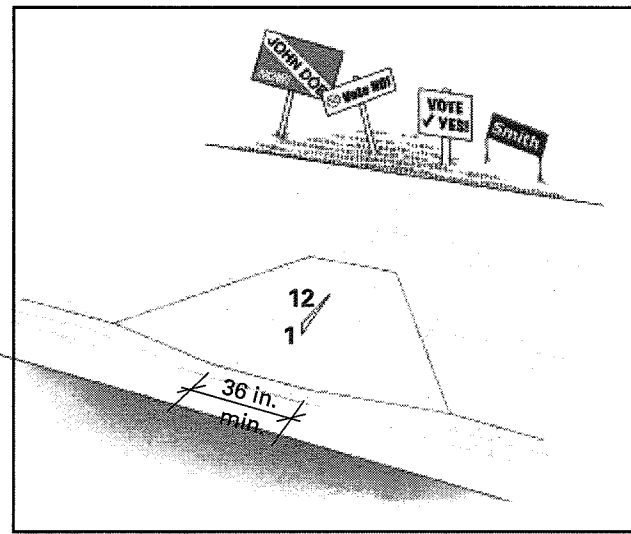
*If No: Look for a nearby area that is relatively level which could serve as an accessible parking space with an accessible route to the accessible entrance to voting.*

A6. Does each accessible parking space have a sign with the symbol of accessibility that is visible when a vehicle is parked in the space? [ADA Std 4.6.4]

Yes \_\_\_\_\_ No \_\_\_\_\_

A7. If there is a curb between the access aisle and the accessible route to the building, is there a curb ramp that meets the following requirements: [ADA Std 4.7]

Yes \_\_\_\_\_ No \_\_\_\_\_



a. Is the ramp surface at least 36" wide, excluding flared sides? [ADA Std 4.7.3]

Yes \_\_\_\_\_ No \_\_\_\_\_

b. Is the slope (up or down the ramp) no more than 1:12? [ADA Std 4.7.2]

Yes \_\_\_\_\_ No \_\_\_\_\_

*Note: 1:12 is one inch of vertical height for each 12 inches in length.*

Curb ramp showing minimum 36 inch width for ramp section and 1:12 slope on ramp section.

A8. Are the accessible parking spaces serving the voting area on the shortest accessible route to the accessible entrance? [ADA Std 4.6.2]

Yes \_\_\_\_\_ No \_\_\_\_\_

A9. Does each access aisle connect to an accessible route from the parking area to the accessible building entrance? [ADA Std 4.6.2]

Yes \_\_\_\_\_ No \_\_\_\_\_

## Polling Place Checklist Parking Spaces

## Temporary Solutions for Election Day

## Parking

## Problem One:

Parking is available, but no accessible parking is provided or there are not enough accessible parking or van-accessible spaces.

**Suggestion:** Find a relatively level parking area near the accessible entrance and then designate the area for accessible parking spaces and adjacent access aisles. Use three parking spaces to make two accessible parking spaces with an access aisle. Traffic cones or other temporary elements may be used to mark the spaces and access aisles. Provide a sign designating each accessible parking space and make sure the access aisle of each space is connected to the accessible route to the accessible entrance.

## Problem Two:

Accessible parking is provided, but it does not have a marked access aisle next to each accessible space.

**Suggestion:** Restripe the accessible parking spaces to provide an access aisle. As a temporary solution for election day, use traffic cones to mark off the access aisle and curb ramp area. The first accessible parking space provided should be a van-accessible parking space with an access aisle that is at least 96 inches wide.

## Problem Three:

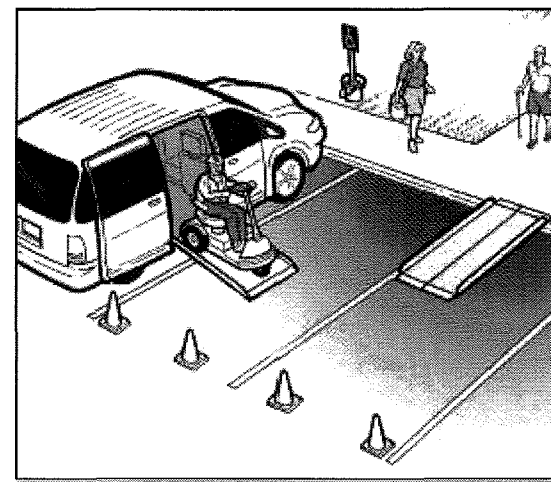
Accessible parking spaces or access aisles are on a sloped surface.

**Suggestion:** Find a parking area that is close to the accessible entrance and more level. Provide accessible parking spaces and access aisles in that area. Make sure the accessible parking spaces connect to an accessible route to the entrance. Provide a sign designating each accessible parking space.

## Problem Four:

No sign with the international symbol of accessibility is installed at each accessible parking space.

**Suggestion:** Provide a temporary sign in front of each accessible parking space.



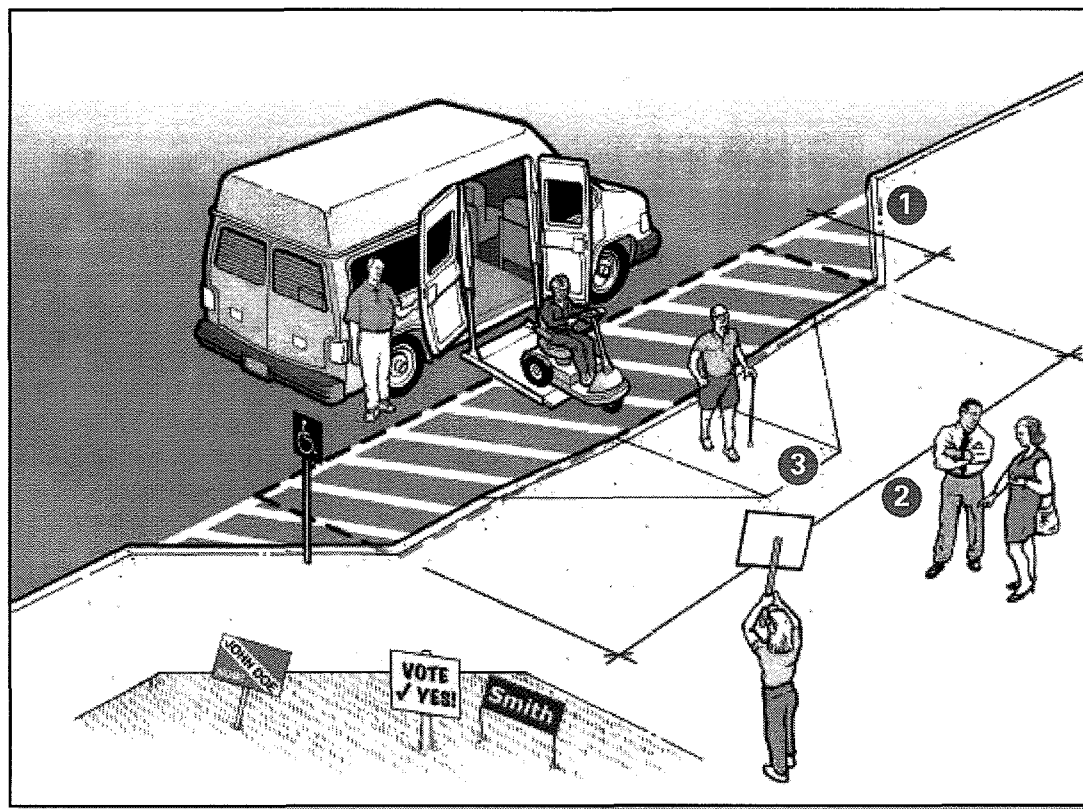
Three standard parking spaces are converted into an accessible parking space with an access aisle. Cones mark the access aisle and a temporary curb ramp with edge protection connects to an accessible route to the polling place.

## Polling Place Checklist

### B. Passenger Drop-Off Areas

## Typical Issues

Some voters with disabilities will be driven to the polling place and dropped off near an entrance in a passenger drop-off area. If the polling place is served by passenger drop-off areas, then at least one drop-off area must be accessible. An accessible drop-off area, also known as an accessible passenger loading zone, must have a level access aisle, adjacent and parallel to the vehicle space. Where a curb separates the vehicle space from the access aisle or the access aisle from an accessible route, a curb ramp must be provided so people with disabilities can get to the accessible route leading to the accessible entrance.



### Accessible Passenger Drop-off and Loading Area

**Notes:**

- 1 Access aisle depth is at least 5 feet.
- 2 Access aisle length is at least 20 feet.
- 3 Curb ramp connects access aisle to the accessible route to the accessible entrance of the polling place.

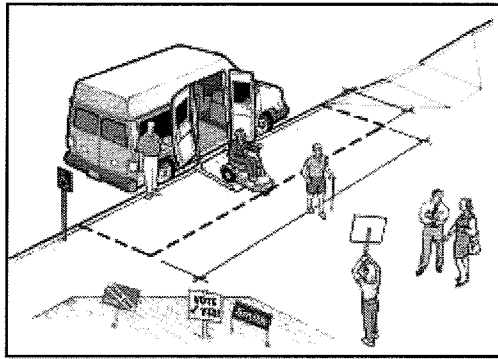
**The access aisle may be at the street level or at sidewalk level. If it is at the sidewalk level, a curb ramp is provided between the street and the sidewalk. If the access aisle is at the street level, the curb ramp is provided between the access aisle and the sidewalk (as shown).**



## Polling Place Checklist Passenger Drop-Off Areas

## Passenger Drop-Off Areas Checklist

If a passenger loading area is provided, you should answer the following questions.



B1. Is a relatively level (1:50 or 2% maximum slope in all directions) access aisle provided adjacent and parallel to the side of the vehicle pull-up area? [ADA Std 4.6.6]

*If No, look for another relatively level location that is on an accessible route.*

Yes \_\_\_\_\_ No \_\_\_\_\_

B2. Is the vehicle space relatively level (2% maximum slope in all directions)?

Yes \_\_\_\_\_ No \_\_\_\_\_

B3. Is the area for the access aisle at least 5-feet wide and 20-feet long? [ADA Std 4.6.6]

*Note: Unlike an accessible parking space, the surface for the access aisle does not have to be marked or striped.*

Yes \_\_\_\_\_ No \_\_\_\_\_

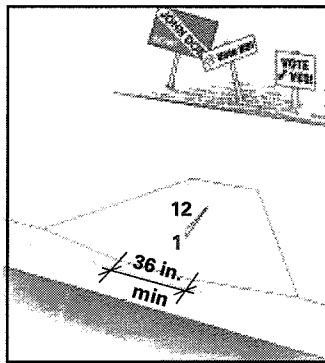
B4. Is the vertical height for the vehicle route to the loading zone, the drop off area, and the exit at least 114 inches (9 feet 6 inches) in height? [ADA Std 4.6.5]

Yes \_\_\_\_\_ No \_\_\_\_\_

B5. Is a curb ramp provided between the vehicle pull up area and the access aisle (see figure above) or the access aisle and the accessible route (see figure on page 9) to the accessible entrance? [ADA Std 4.6.6]

*If No, is there another area with a curb ramp connected to an accessible route that could serve as the drop-off area?*

Yes \_\_\_\_\_ No \_\_\_\_\_



B6. If a curb ramp is provided, is the slope of the ramp surface (not counting the side flares) no more than 1:12? [ADA Std 4.7.2]

Yes \_\_\_\_\_ No \_\_\_\_\_

B7. Is the width of the curb ramp surface at least 36 inches? [ADA Std 4.7.3]

Yes \_\_\_\_\_ No \_\_\_\_\_

B8. Does an accessible route connect the curb ramp to the accessible entrance? [ADA Std 4.1.2(1)]

Yes \_\_\_\_\_ No \_\_\_\_\_

## Comments

## Polling Place Checklist Passenger Drop-Off Areas

## Temporary Solutions for Election Day

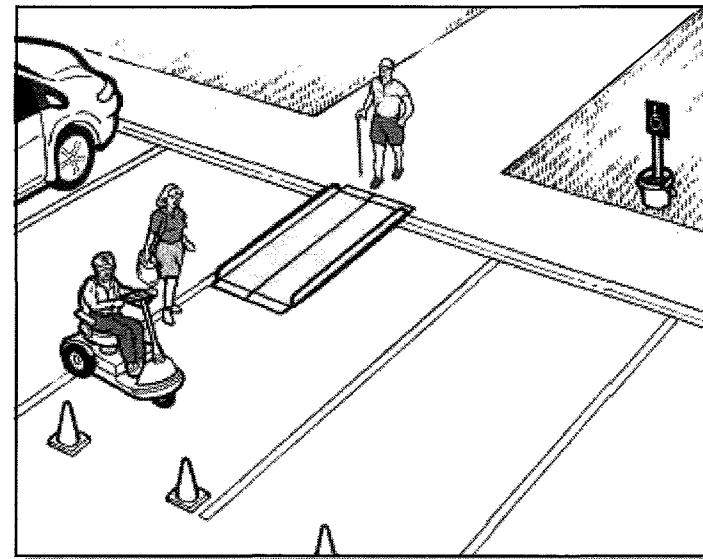
## Passenger Drop-Off Areas

**Problem:**

A passenger drop-off and loading zone is provided but there is no curb ramp between the vehicle area and the sidewalk leading to the accessible polling place entrance.

**Suggestion:** Provide a portable ramp with edge protection in an area where the vehicle area and the sidewalk are relatively level. The curb ramp must connect to an accessible route to the accessible polling place entrance.

If the drop-off and loading zone is not relatively level, consider relocating the accessible drop-off area and using one parking space next to the area where accessible parking is located to provide an accessible drop-off and loading zone. Cones or another temporary barrier may be needed to keep the parking space clear.



A portable ramp with edge protection is used to provide an accessible route from the drop-off and loading area to the accessible polling place entrance.

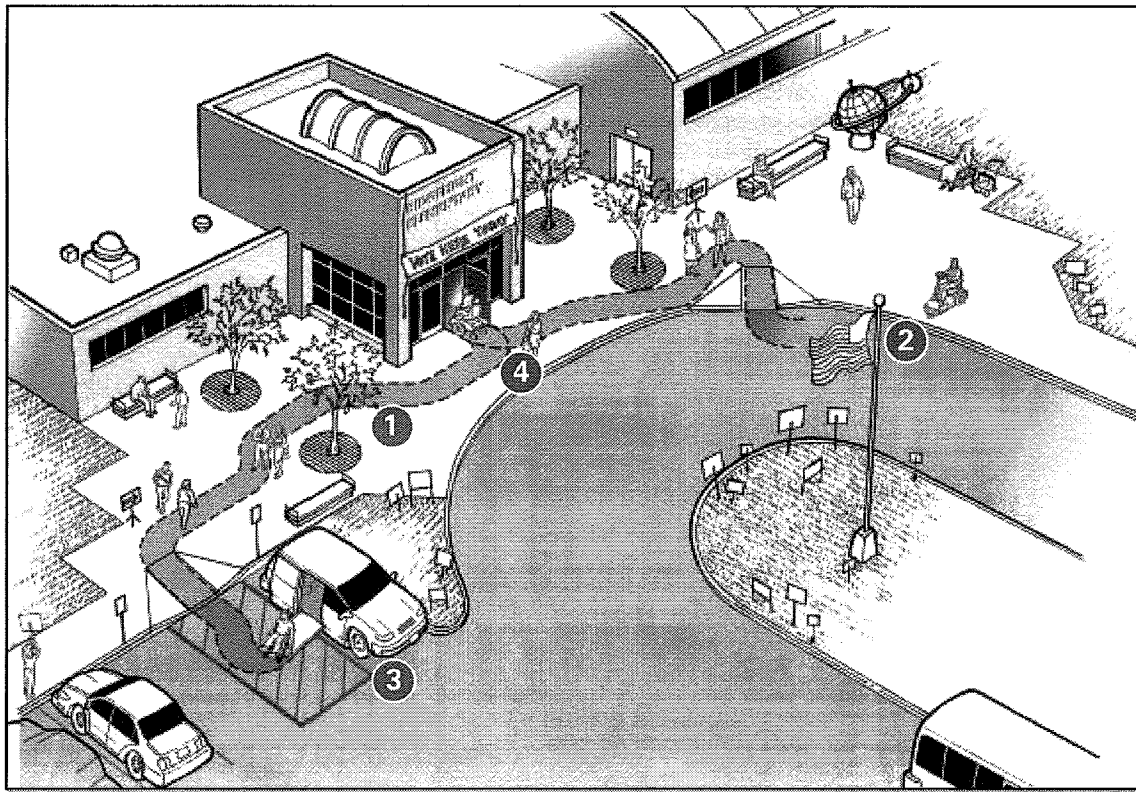
## Polling Place Checklist

## C. Sidewalks and Walkways

## Part 1. Typical Issues for Voters Who Use Wheelchairs, Scooters or Other Mobility Aids

There must be at least one exterior accessible route that connects accessible passenger drop-off areas, accessible parking spaces, and other accessible elements, for example a route from a bus stop to an accessible building entrance. The accessible route is essential for people who have difficulty walking or who use wheelchairs or other mobility aids to get to the accessible entrance of the polling place.

An accessible route is at least 36 inches wide and may narrow briefly to 32 inches wide where utility poles, post-mounted signs, furniture, and doorways are located along an accessible route. Abrupt level changes, steps, or steeply sloped sidewalks cannot be part of an accessible route. Where ramps are used, they cannot be steeper than 1:12. Ramps with a vertical rise of more than 6 inches must have handrails on both sides. Ramps must also have edge protection to stop wheelchairs from falling off the sides, and level landings at the top and bottom of each segment and where a ramp changes direction.



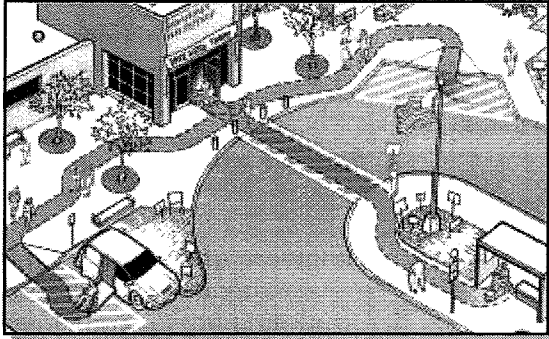
## Notes:

- ① Accessible route.
- ② Accessible drop-off area.
- ③ Accessible parking with van-accessible parking space.
- ④ Accessible entrance to polling place.

**An accessible entrance  
to a polling place with accessible parking  
and an accessible drop-off area.**

## Polling Place Checklist Sidewalks and Walkways - Part 1

## Sidewalks and Walkways Checklist - Voters with Mobility Disabilities



C1-1. Is an accessible route provided from accessible parking spaces to the accessible entrance of the building?

[ADA Stds 4.1.2(1), 4.3]

*Note: If the accessible route crosses a vehicular route, a marked crosswalk should be used.*

Yes \_\_\_\_\_ No \_\_\_\_\_

C1-2. Is an accessible route provided from public sidewalks and public transportation stops on the polling site (if provided) to the accessible entrance of the building? [ADA Stds 4.1.2(1)]

Yes \_\_\_\_\_ No \_\_\_\_\_

C1-3. Is the accessible route at least 36 inches wide?

*If No, the accessible route may narrow to 32 inches wide for up to 2 feet in length.*

Yes \_\_\_\_\_ No \_\_\_\_\_

C1-4. Is the accessible route free of steps and abrupt level changes over 1/2 inch?

*Note: Level changes between 1/4 inch and 1/2 inch should be beveled.*

Yes \_\_\_\_\_ No \_\_\_\_\_

C1-5. Where an accessible route crosses a curb is a curb ramp provided? If yes,

Yes \_\_\_\_\_ No \_\_\_\_\_

5a. Is the ramp surface at least 36 inches wide, excluding flared sides?

[ADA Stds 4.7.3]

Yes \_\_\_\_\_ No \_\_\_\_\_

5b. Is the slope (up or down the ramp) no more than 1:12? [ADA Stds 4.7.2]

*Note: 1:12 is one inch of vertical height for 12 inches of horizontal distance.*

Yes \_\_\_\_\_ No \_\_\_\_\_

C1-6. If the slope of part of the accessible route is greater than 1:20, does this part meet the following requirements for an accessible ramp?

Yes \_\_\_\_\_ No \_\_\_\_\_

6a. Is the ramp slope no greater than 1:12? [ADA Stds 4.8.2]

*Note: For existing ramps, the slope may be 1:10 for a 6 inch rise and 1:8 for a 3 inch rise in special circumstances (see ADA Stds 4.1.6(3)).*

Yes \_\_\_\_\_ No \_\_\_\_\_

6b. Is the ramp width, measured between handrails, at least 36 inches?

[ADA Stds 4.8.3]

Yes \_\_\_\_\_ No \_\_\_\_\_

## Comments



## Polling Place Checklist Sidewalks and Walkways - Part 1

6c. Does the ramp have a level landing at the top and bottom of each ramp section that is at least 60 inches long? [ADA Std 4.8.4]

*Note: The level landing may be part of the sidewalk or walking surface.*

Yes \_\_\_\_\_ No \_\_\_\_\_

6d. If a ramp is more than 30 feet long, is a level landing at least 60 inches long provided every 30 feet of horizontal length? [ADA Std 4.8.4]

*Note: When the running slope is less than 1:16 and more than 1:20, each ramp segment may be up to 40 feet long followed by a level landing.*

Yes \_\_\_\_\_ No \_\_\_\_\_

6e. Is a level landing, at least 60 inches by 60 inches, provided where a ramp changes direction? [ADA Std 4.8.4]

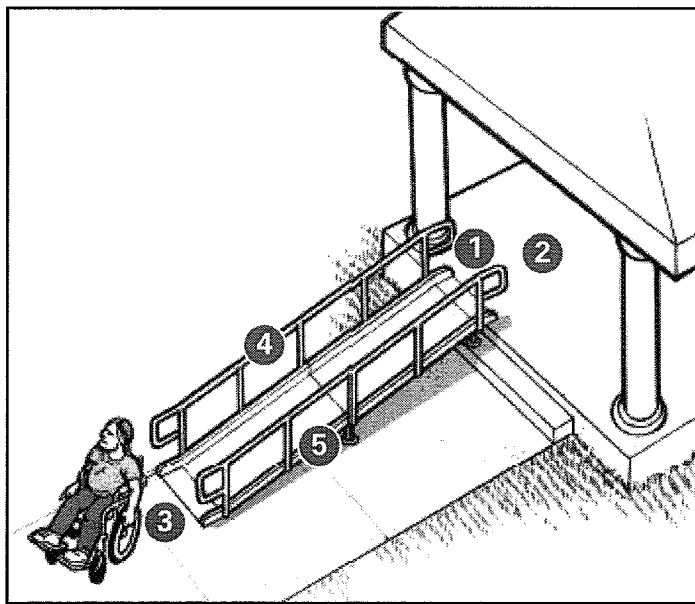
Yes \_\_\_\_\_ No \_\_\_\_\_

6f. Are the handrails mounted between 34 and 38 inches above the ramp surface? [ADA Std 4.8.5]

Yes \_\_\_\_\_ No \_\_\_\_\_

6g. If the ramp or landing has a vertical drop-off on either side of the ramp, is edge protection provided? [ADA Std 4.8.7]

Yes \_\_\_\_\_ No \_\_\_\_\_



Accessible Ramp Features

**Notes:**

- 1 At least 36 inches between handrails
- 2 Top landing part of walk
- 3 Bottom landing part of walk
- 4 Handrail height 34 to 38 inches
- 5 Edge protection

**Comments**

## Polling Place Checklist Sidewalks and Walkways - Part 1

## Temporary Solutions for Election Day

## Sidewalks and Walkways - Voters with Mobility Disabilities

## Problem One:

The sidewalk connecting parking to the polling place entrance is too steep to be accessible.

**Suggestion:** Check to see if there is another sidewalk that provides an accessible route to the accessible entrance. Sometimes there is a less direct route that can serve as the accessible route.

## Problem Two:

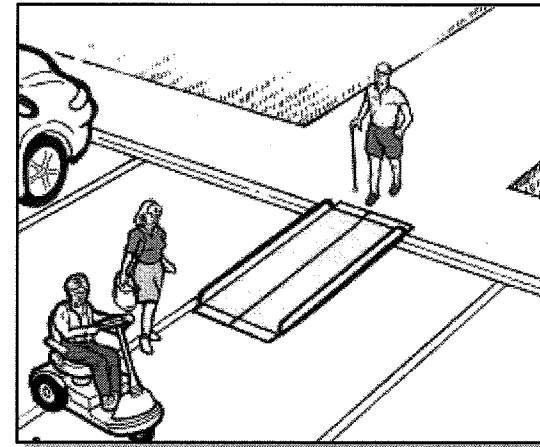
The accessible route crosses a curb and no curb ramp is provided.

**Suggestion:** Install a portable ramp with edge protection.

## Problem Three:

One or two steps are part of the walkway leading to the accessible entrance.

**Suggestion:** Install a portable ramp no steeper than 1:12 slope with edge protection and handrails.



A portable ramp with edge protection is installed over a curb to provide an accessible route.

## Polling Place Checklist

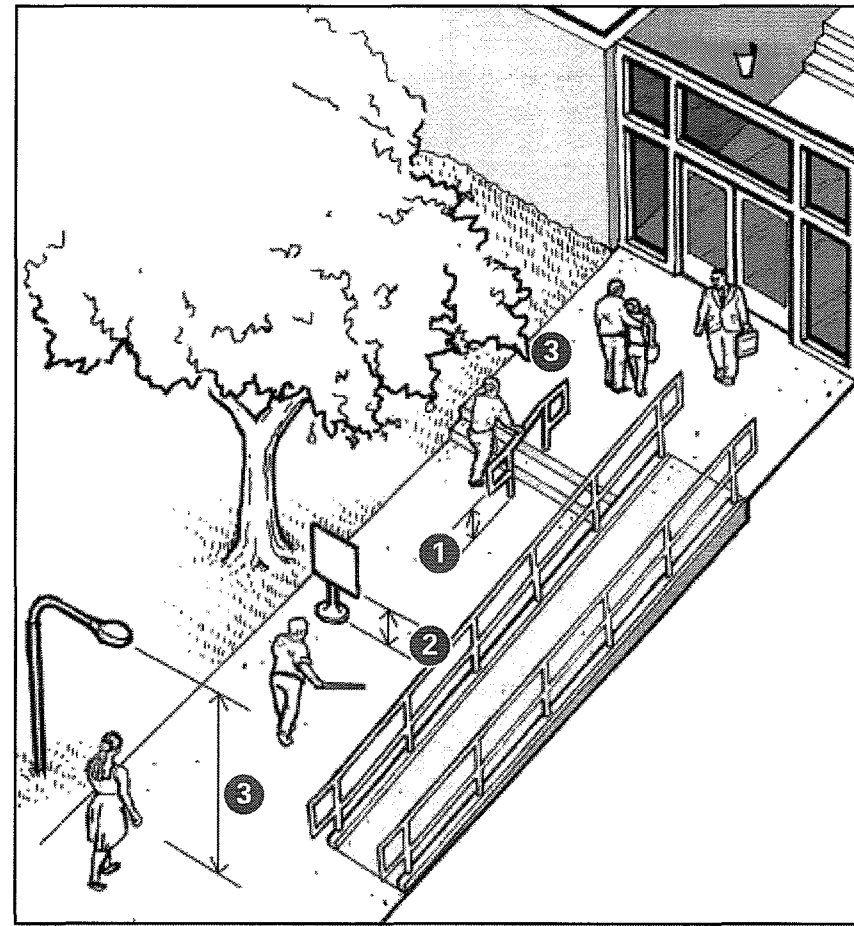
## C. Sidewalks and Walkways

## Part 2. Typical Issues for Voters Who Are Blind or Have Low Vision

Objects that are wall-mounted, that project into a pedestrian route from the side, or that are overhead must be located so that people who are blind or who have low vision will either detect the objects before they run into them or safely pass under them. Examples include handrail extensions on stairs and ramps, post or wall-mounted signs, outdoor drinking fountains, and tree limbs that are lower than 80 inches above the walk. Pedestrian routes open to voters, such as sidewalks, courtyards, and plazas, must be free of overhanging objects that are less than 80 inches above the route. Objects more than 27 inches and less than 80 inches above the route that protrude from the side more than 4 inches are also a hazard. Because people can walk on any sidewalk, not just the accessible routes, all exterior pedestrian routes serving or leading to the voting area must be checked. The following checklist applies to sidewalks and walkways leading to the polling place and voting area.

## Notes:

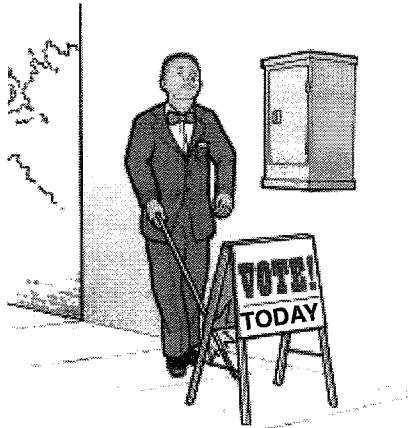
- 1 The bottom of the handrail extensions turn down so a person who is blind or has low vision can detect the hazard before running into it.
- 2 Signs or other objects in the pedestrian route can be a hazard if the bottom is more than 27 inches but less than 80 inches above the route.
- 3 Objects that overhang the pedestrian route must be at least 80 inches above the route.



Common objects along pedestrian routes to a polling place that can be hazards to people who are blind or have low vision.

## Polling Place Checklist Sidewalks and Walkways - Part 2

## Sidewalks and Walkways Checklist - Voters Who are Blind or Who Have Low Vision



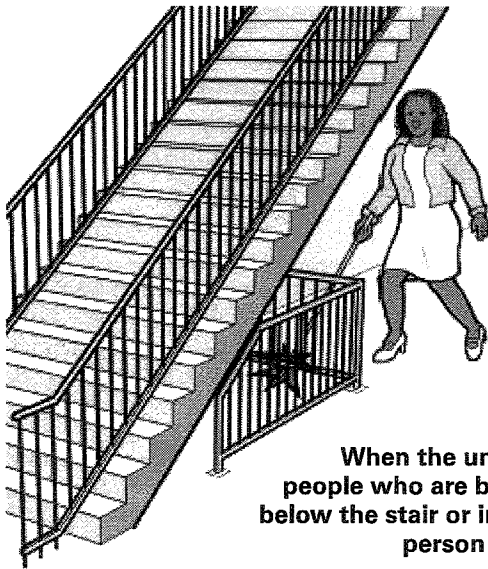
This wall-mounted box is mounted too high to be detectable by a person who is blind. Placing an object, like this sign, under the box provides a way to warn the person before they walk into the side of the box.

C2-1. Are all sidewalks and walkways to the voting area free of any objects (e.g., wall-mounted boxes, signs, handrail extensions, trees) with bottom edges that are higher than 27 inches but less than 80 inches above the walkway and that extend more than 4 inches into the sidewalk or walkway?

[ADA Stds 4.4, 4.2.1(3), 4.1.3(2)]

*If No, can the object be lowered, removed, or modified or can the route be changed to avoid the object?*

Yes \_\_\_\_\_ No \_\_\_\_\_



C2-2. Are the undersides of exterior stairs enclosed or protected with a cane-detectable barrier so that people who are blind or have low vision will not hit their heads on the underside?

[ADA Stds 4.4.2]

*If No, can a barrier or enclosure be added below the stair or can the route be relocated away from the stair?*

Yes \_\_\_\_\_ No \_\_\_\_\_

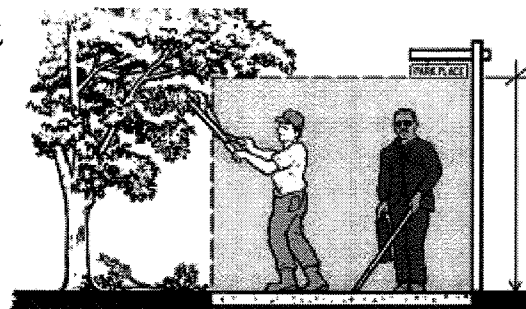
When the underside of a stair is open, it is a hazard to people who are blind or have low vision. Enclosing the area below the stair or installing a cane-detectable barrier helps the person to stop before hitting her head.

Comments

## Polling Place Checklist Sidewalks and Walkways - Part 2

C2-3. Are all objects that hang over the pedestrian routes 80 inches or more above the route?

*If No, can the objects be removed or relocated, or can a detectable object be added below?*



Yes \_\_\_\_\_ No \_\_\_\_\_

At least 80  
inches  
above walk

Comments

## Temporary Solutions for Election Day

### Sidewalks and Walkway Hazards

**Problem One:** Branches or other objects over a walkway or pedestrian route are lower than 80 inches above the walk.

**Suggestion:** Prune the branches or remove the items that are hanging below 80 inches.

Another approach is to install a detectable barrier under the item that is too low. The detectable barrier or object must be within the detectable range of 27 inches or less above the route.

**Problem Two:** One or more objects protrude too far from the side into the circulation path causing a hazard for people who are blind or who have low vision.

**Suggestion:** When people who are blind or who have low vision use a cane to detect hazards, objects located at 27 inches or lower are detectable. When an object is located more than 27 inches off the ground it is a hazard if the object protrudes more than 4 inches into the circulation path. To make a protruding object detectable:

Place an object or a barrier below the protruding object in the cane-detectable area not more than 27 inches above the floor.

If the protruding object can be moved, lower the object so its bottom is within the cane-detectable area (not more than 27 inches above the floor).

Prune or alter the protruding object so it does not protrude over the path.



## Polling Place Checklist

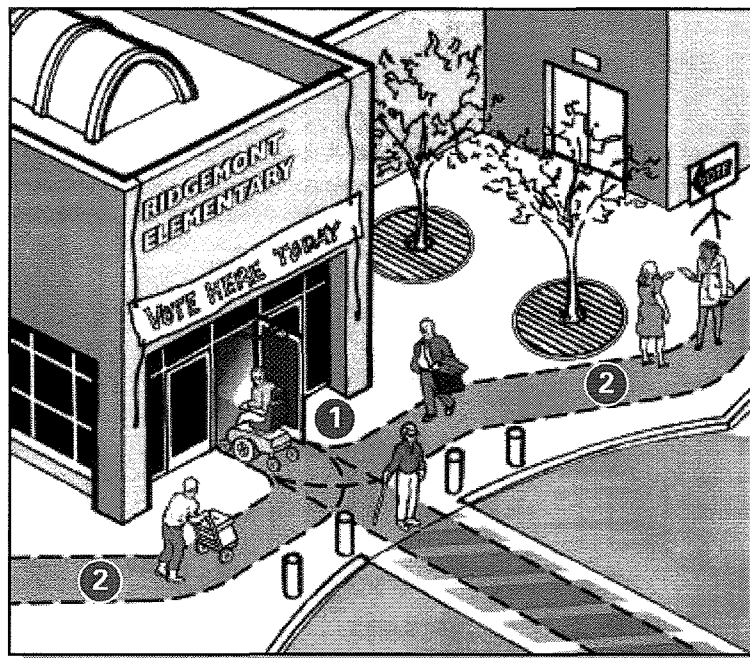
## Entering the Polling Place

## D. Building Entrance

## Typical Issues

An accessible polling place must have at least one accessible entrance. The accessible entrance must be connected to an accessible route. An accessible entrance must provide at least one accessible door with maneuvering space, accessible door hardware, and enough clear width to allow people who use crutches, a cane, walker, scooter or wheelchair to use it.

If the accessible entrance is not the main entrance to the polling place, then signs must be located at inaccessible entrances to the polling place to direct voters to the accessible entrance. The accessible entrance must remain open when the polling place is open.



## Notes:

- ① Accessible entrance to the polling place.
- ② Accessible route connecting accessible parking and drop-off area (if provided) to the accessible entrance.



Examples of signs for inaccessible polling place entrances directing a voter to the accessible entrance.

## Polling Place Checklist Building Entrance

## Comments

## Building Entrance Checklist

D1. Is there at least one accessible entrance connected to an accessible route?

Yes \_\_\_\_\_ No \_\_\_\_\_

[ADA Stds 4.1.3(1)]

*Notes: If this entrance is not the main entrance, it needs to be kept unlocked during voting hours.**If there are inaccessible entrances serving the polling place, signs will be needed at inaccessible entrance(s) to direct voters to the nearest accessible entrance.*

D2. Does at least one door or one side of a double leaf door at the accessible entrance provide at least 32 inches clear passage width when the door is open 90 degrees?

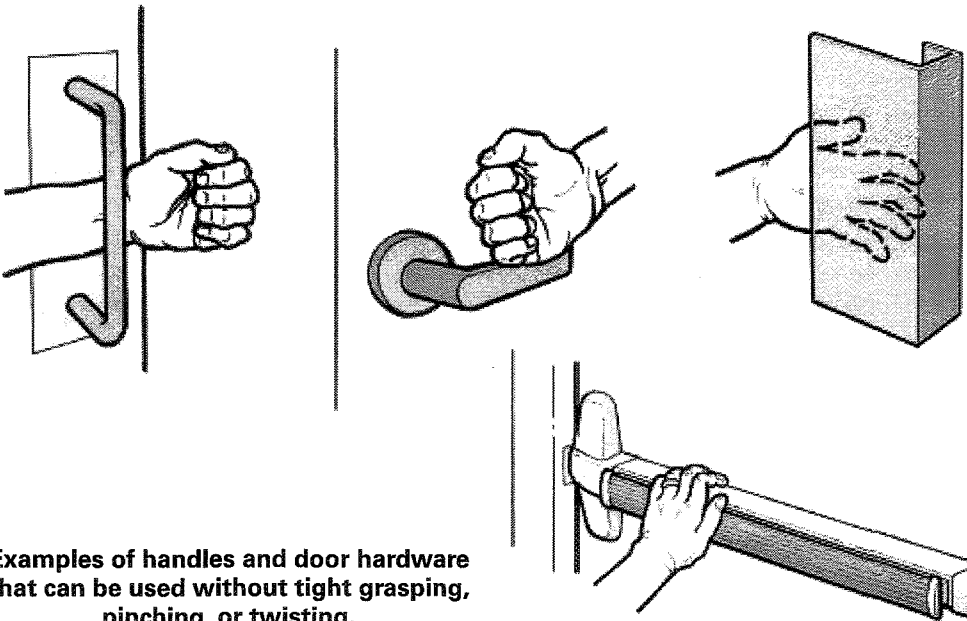
Yes \_\_\_\_\_ No \_\_\_\_\_

[See figure 24 in the appendix at the back of the checklist]

*If No, does another entrance have an accessible door or can both doors be propped open during voting? Other possible solutions are to enlarge the door opening, use a swing clear hinge, or, if a double leaf door, use uneven width doors.*

D3. Is the door hardware (e.g., lever, pull, panic bar) usable with one hand without tight grasping, pinching, or twisting of the wrist? [ADA Stds 4.13.9]

Yes \_\_\_\_\_ No \_\_\_\_\_

*If No, leave door propped open, add new accessible hardware, or adapt/replace hardware.*

Examples of handles and door hardware that can be used without tight grasping, pinching, or twisting.

## Polling Place Checklist Building Entrance

## Comments

D4. On the pull side of the door, is there at least 18 inches clearance provided to the side of the latch if the door is not automatic or power-operated? [ADA Std 4.13.6, figure 25]

Yes \_\_\_\_\_ No \_\_\_\_\_

*Note: The maximum threshold height is 1/2 inch for new construction.*

*If No, leave the door propped open, install a power operator, or look for another accessible entrance.*

D5. If there is a raised threshold, is it no higher than 3/4 inch at the door and beveled on both sides? [ADA Std 4.1.6(3)(d)(ii), 4.13.8]

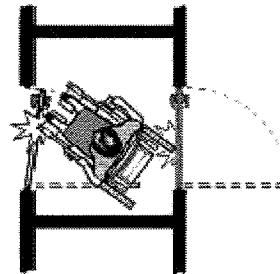
Yes \_\_\_\_\_ No \_\_\_\_\_

*If No, replace threshold with one with beveled sides or add sloped insert to threshold.*

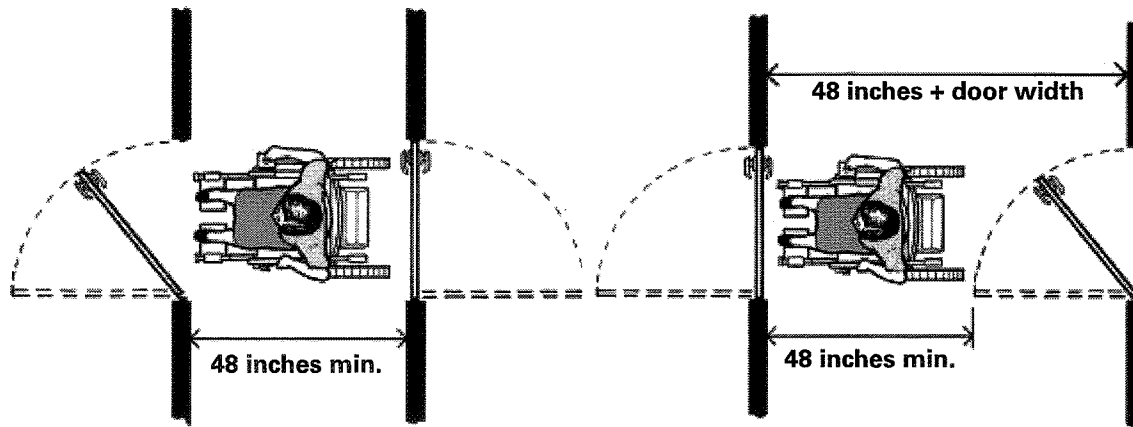
D6. If an entry has a vestibule, is there a 30-inch by 48-inch clear floor space inside the vestibule where a wheelchair or scooter user can be outside the swing of a hinged door? [ADA Std 4.13.7]

Yes \_\_\_\_\_ No \_\_\_\_\_

*If No, leave the inner door open or remove inner door, add power operators to both doors so they open at the same time or, modify the vestibule.*



Insufficient space between doors makes the alcove inaccessible.



Minimum alcove depth if both doors open out

Minimum alcove depth when door swings into alcove



## Polling Place Checklist Building Entrance

## Temporary Solutions for Election Day

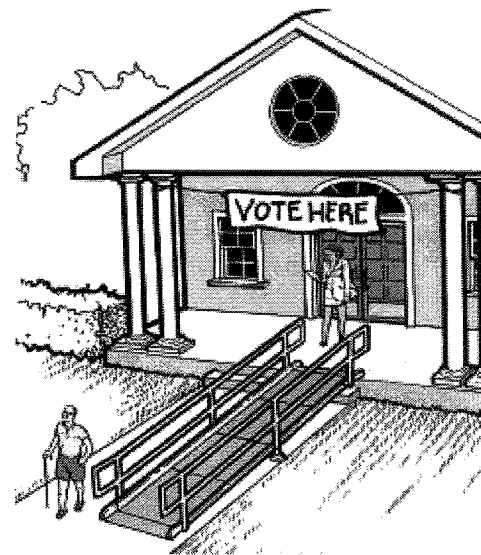
## Accessible Entrance to Polling Place

## Problem One:

One or two steps at the entrance prevent access.

**Suggestion:** If another entrance is accessible and on an accessible route from accessible parking, designate it as the accessible entrance and install a directional sign at the main entrance directing voters to the accessible entrance. Keep the accessible entrance unlocked during voting hours.

If another accessible entrance is not available, install a temporary ramp with edge protection and handrails.



## Problem Two:

There is a small step at the entrance.

**Suggestion:** Install a short temporary ramp to provide a smooth transition.

## Problem Three:

Entrance door threshold has an abrupt change in level of more than 1/4 inch and no beveled sides.

**Suggestion:** If the threshold is not more than 3/4 inches high, add beveled surfaces to both sides of the threshold or replace with a new threshold that is no more than 1/2 inch high and that has beveled sides.

## Problem Four:

Entrance door to the building is heavy and difficult to open.

**Suggestion:** Keep the door propped open or station volunteers near the door to open it for voters.

## Problem Five:

Door handle and/or latch at the entry door is not accessible.

**Suggestion:** These are three typical solutions: add an accessible pull or handle to the outside of the door and leave the door unlatched, or install an accessible door handle and hardware, or leave the door propped in an open position.

## Comments

## Polling Place Checklist

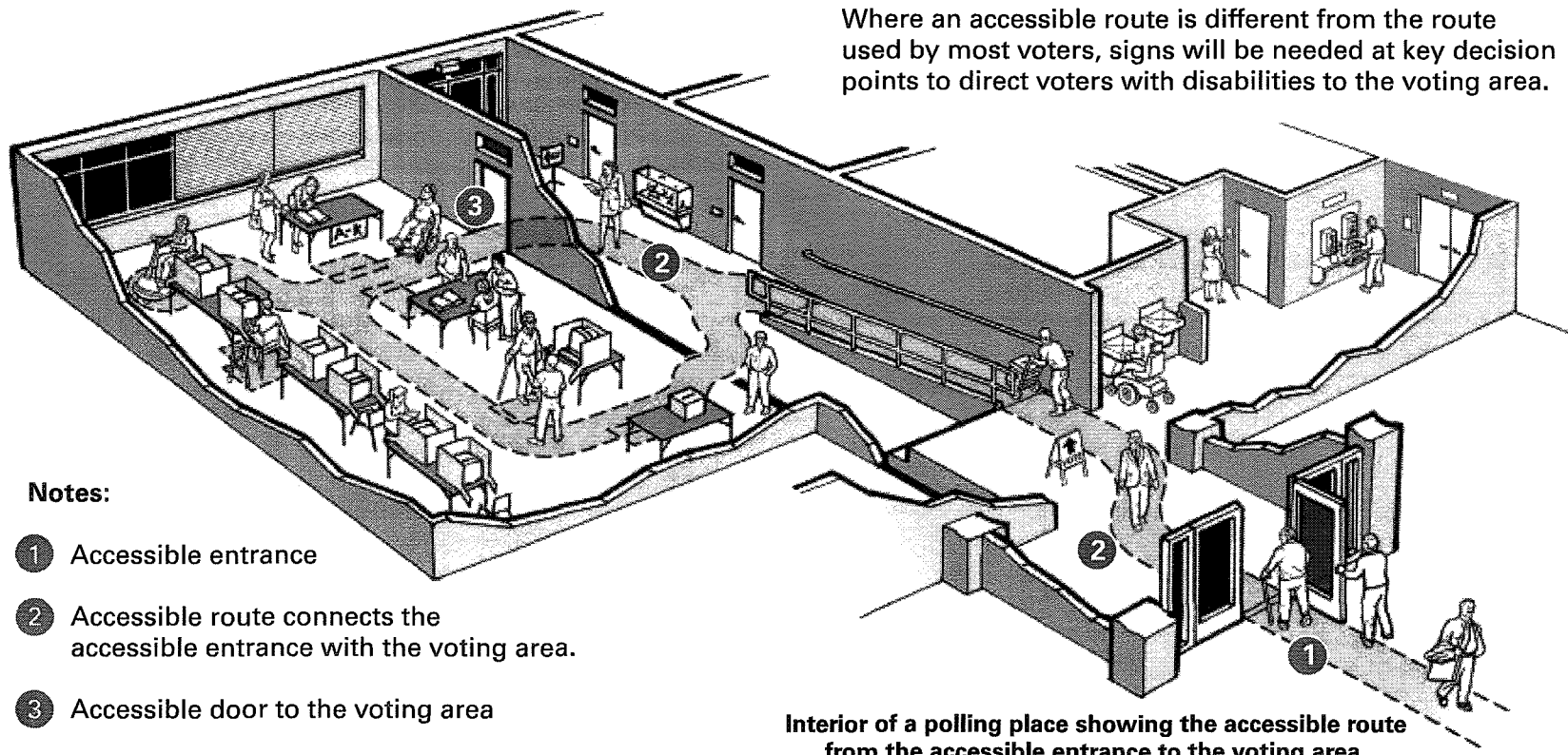
## E. Hallways and Corridors

**Part 1. Typical Issues for Voters Who Use Wheelchairs, Scooters, or Other Mobility Devices**

The interior accessible route connects the accessible entrance with the voting area. Typically made up of hallways, corridors, and interior rooms and spaces, the accessible route is essential for people who have difficulty walking or who use wheelchairs or other mobility aids to get to the voting area.

An accessible route is at least 36 inches wide and may narrow briefly to 32 inches wide where the route passes through doors or next to furniture and building elements. High thresholds, abrupt level changes, steps, or steeply sloped hallways cannot be part of an accessible route. Where ramps are used, they cannot be steeper than 1:12. Ramps with a vertical rise of more than 6 inches must have handrails on both sides. Ramps must also have edge protection to stop wheelchairs from falling off the sides, and level landings at the top and bottom of each segment and where a ramp changes direction.

Where an accessible route is different from the route used by most voters, signs will be needed at key decision points to direct voters with disabilities to the voting area.



## Polling Place Checklist Halls and Corridors - Part 1

## Comments

**Halls and Corridors Checklist - Voters with Mobility Disabilities**

E1-1. Is there an accessible route, at least 36 inches wide that connects the accessible entrance to the voting area (the accessible route may narrow to 32 inches wide for up to 2 feet in length)?

Yes \_\_\_\_ No \_\_\_\_

E1-2. Is the accessible route free of steps and abrupt level changes over 1/2 inch (level changes between 1/4 inch and 1/2 inch should be beveled)? [ADA Std 4.1.3(1), 4.3.8]

Yes \_\_\_\_ No \_\_\_\_

E1-3. Does the route from the accessible entrance to the voting area change levels using a ramp, lift or elevator?

Yes \_\_\_\_ No \_\_\_\_

If no, go to question E1-7.

3a. If yes, is a ramp or sloped hallway provided?

Yes \_\_\_\_ No \_\_\_\_

If yes, go to question E1-4.

*Note: A ramp, lift, or elevator can be used to provide access to floor levels.*

3b. Is an elevator provided or lift provided?

Yes \_\_\_\_ No \_\_\_\_

If an elevator is provided, go to question E1-5. If a lift is provided, go to question E1-6.

E1-4. Where the slope of the accessible route is greater than 1:20, does this part of the accessible route meet the following requirements for an accessible ramp?

Yes \_\_\_\_ No \_\_\_\_

4a. Is the slope no greater than 1:12? [ADA Std 4.8.2]

Yes \_\_\_\_ No \_\_\_\_

*Note: For existing ramps, the slope may be 1:10 for a 6 inch rise and 1:8 for a 3 inch rise in special circumstances, see ADA Standards 4.1.6(3).*

4b. Is the ramp width, measured between handrails, at least 36 inches?

Yes \_\_\_\_ No \_\_\_\_

[ADA Std 4.8.3]

4c. Are the handrails mounted between 34 and 38 inches above the ramp surface?

Yes \_\_\_\_ No \_\_\_\_

[ADA Std 4.8.5]

4d. If a ramp is more than 30 feet long, is a level landing at least 60 inches long provided every 30 feet of horizontal length? [ADA Std 4.8.4]

Yes \_\_\_\_ No \_\_\_\_

*Note: When the running slope is less than 1:16 and more than 1:20, each ramp segment may be up to 40 feet long followed by a level landing.*

## Polling Place Checklist Halls and Corridors - Part 1

## Comments

## Question E1-4 (continued)

4e. Does the ramp have a level landing at the top and bottom of each ramp section that is at least 60 inches long? [ADA Std 4.8.4]

Yes \_\_\_\_\_ No \_\_\_\_\_

*Note: The level landing may be part of the sidewalk or walking surface.*

4f. Is a level landing, at least 60 inches by 60 inches, provided where a ramp changes direction? [ADA Std 4.8.4]

Yes \_\_\_\_\_ No \_\_\_\_\_

4g. If the ramp or landing has a vertical drop-off on either side of the ramp, is edge protection provided? [ADA Std 4.8.7]

Yes \_\_\_\_\_ No \_\_\_\_\_

E1-5. Is an elevator provided to access the voting area level?

Yes \_\_\_\_\_ No \_\_\_\_\_

5a. Are the elevator call buttons mounted in an accessible location with the centerlines at 42 inches above the floor? [ADA Std 4.10.3]

Yes \_\_\_\_\_ No \_\_\_\_\_

5b. Does the floor area of the elevator car provide space for wheelchair users to enter, reach the controls, and exit the car? [ADA Std 4.10.9]

Yes \_\_\_\_\_ No \_\_\_\_\_

*Note: See Figure 22 for acceptable floor and opening dimensions. Floor dimensions of at least 48 inches by 48 inches may be allowed in existing facilities built before the ADA went into effect.*

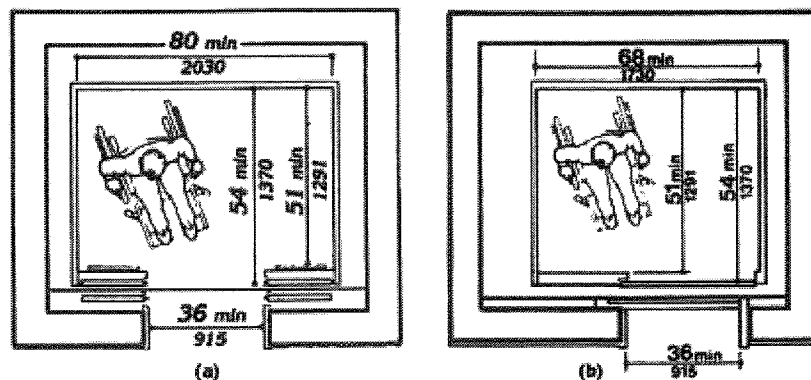


Fig. 22  
Minimum Dimensions of Elevator Cars



## Polling Place Checklist Halls and Corridors - Part 1

## Question E1-5 (continued)

5c. Are the highest floor control buttons in the elevator cab mounted no more than 54 inches above the floor for a side reach or 48 inches for forward reach? Yes \_\_\_\_\_ No \_\_\_\_\_

5d. Are raised letters and Braille characters used to identify each floor button and each control? [ADA Std 4.10.12] Yes \_\_\_\_\_ No \_\_\_\_\_

5e. Are signs mounted on both sides of the elevator hoistway door opening that designate the floor with 2-inch minimum-height raised letters and Braille characters centered at 60 inches above the floor? [ADA Std 4.10.5] Yes \_\_\_\_\_ No \_\_\_\_\_

5f. Is the elevator equipped with audible tones or bells or verbal annunciators that announce each floor as it is passed? [ADA Std 4.10.13] Yes \_\_\_\_\_ No \_\_\_\_\_

## E1-6. If a wheelchair lift is provided, does it meet the following requirements:

6a. Is the lift operational at the time of the survey? Yes \_\_\_\_\_ No \_\_\_\_\_

6b. Is the change in level from the floor to the lift surface ramped or beveled? Yes \_\_\_\_\_ No \_\_\_\_\_

6c. Is there at least a 30-inch by 48-inch clear floor space on the wheelchair lift? Yes \_\_\_\_\_ No \_\_\_\_\_

6d. Does the lift allow a wheelchair user unassisted entry, operation, and exit? Yes \_\_\_\_\_ No \_\_\_\_\_

6e. Are the controls and operating mechanisms mounted no more than 54 inches above the floor for a side reach or 48 inches for a forward reach? Yes \_\_\_\_\_ No \_\_\_\_\_

6f. Are the controls and operating mechanisms usable with one hand without tight grasping, pinching, or twisting? Yes \_\_\_\_\_ No \_\_\_\_\_

## Comments

## Polling Place Checklist Halls and Corridors - Part 1

## Comments

E1-7. At each location on the way to the voting area where the accessible route passes through a door or doors, does at least one door meet the following requirements?

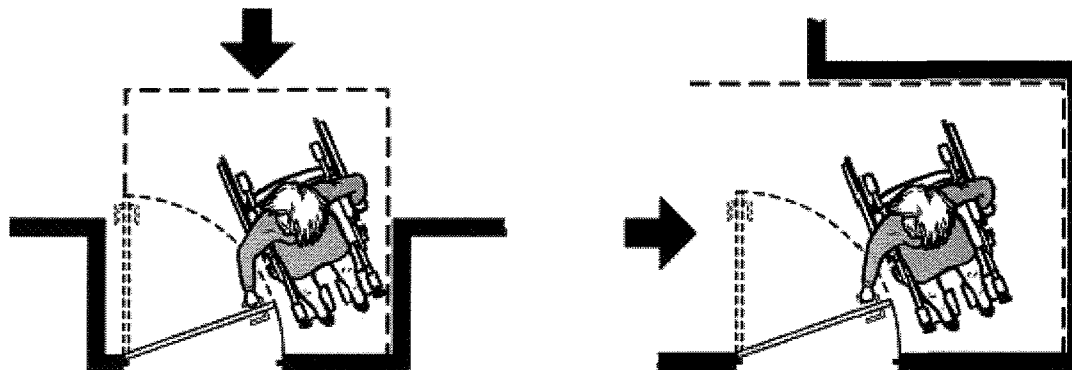
Yes \_\_\_\_\_ No \_\_\_\_\_

7a. Is the clear width for the door opening at least 32 inches measured when the door is open 90 degrees? [ADA Std 4.13(7), 4.13.5]

Yes \_\_\_\_\_ No \_\_\_\_\_

7b. Is the door hardware (e.g., lever, pull, push, panic bar) usable with one hand, without tight grasping, pinching, or twisting of the wrist, to allow people who may not be able to easily use one or both hands to fully operate the hardware? [ADA Std 4.13.9]

Yes \_\_\_\_\_ No \_\_\_\_\_



A clear floor space on the latch side of the door (pull side) allows a person using a wheelchair or scooter to pull the door open and then enter. The size of the clear floor space varies depending on the direction of approach (shown by the arrows) and the door swing.

7c. Is there clear maneuvering floor space in front of each accessible door (see Figure 25 in the appendix for measurements) and on the pull side, is there at least 18 inches clear floor space beyond the latch side of the door (see space configurations in Figure 25)? [ADA Std 4.13.6]

Yes \_\_\_\_\_ No \_\_\_\_\_

7d. Is no more than 5 pounds force needed to push or pull open the accessible door?

Yes \_\_\_\_\_ No \_\_\_\_\_

*Note: Fire doors are still considered to be accessible if they have the minimum opening force allowable by the appropriate administrative authority.*

7e. If the answers to questions (b) thru (d) are no, can the door be propped open to provide an accessible route on election day?

Yes \_\_\_\_\_ No \_\_\_\_\_

## Polling Place Checklist Halls and Corridors - Part 1

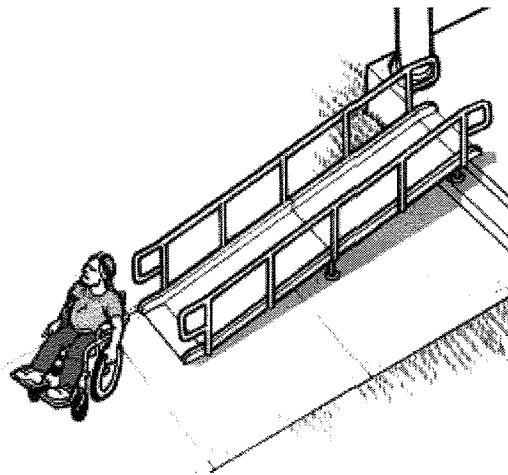
## Temporary Solutions for Election Day

## Interior Hallways and Corridors to Voting Area

## Problem 1:

One or more steps along hallway to voting area block access.

**Suggestion:** Install a portable ramp with edge protection and handrails as shown in the figure or relocate the accessible voting to another area that is on an accessible route.

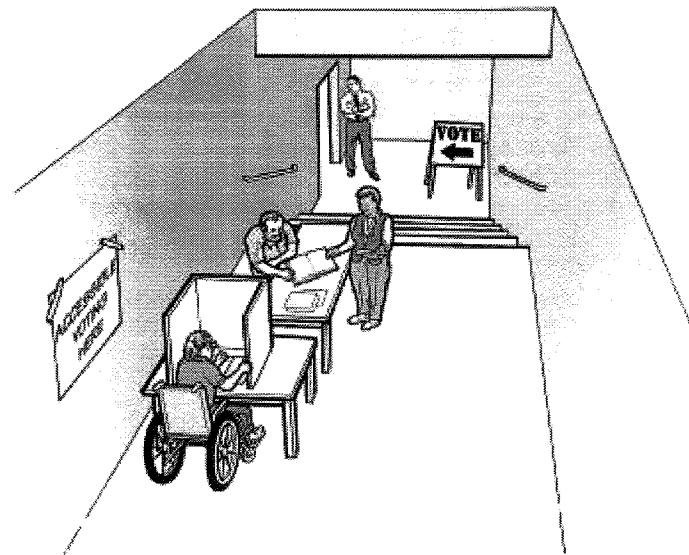


A portable ramp with edge protection and handrails is placed over stairs to provide an accessible route on Election Day.

## Problem 2:

Voting area is not on an accessible route and cannot be made accessible.

**Suggestion:** Look for another area where accessible voting may be provided. For example, if the living room of a private home used for voting is up several steps, perhaps the garage may be accessible when entered from the driveway. Or, if a church's basement is used as a polling place and it is not accessible, perhaps one of the ground floor rooms could be used as the accessible voting area.



An accessible voting station is provided on an accessible level in a facility where voting occurs downstairs.

## Polling Place Checklist

## E. Hallways and Corridors

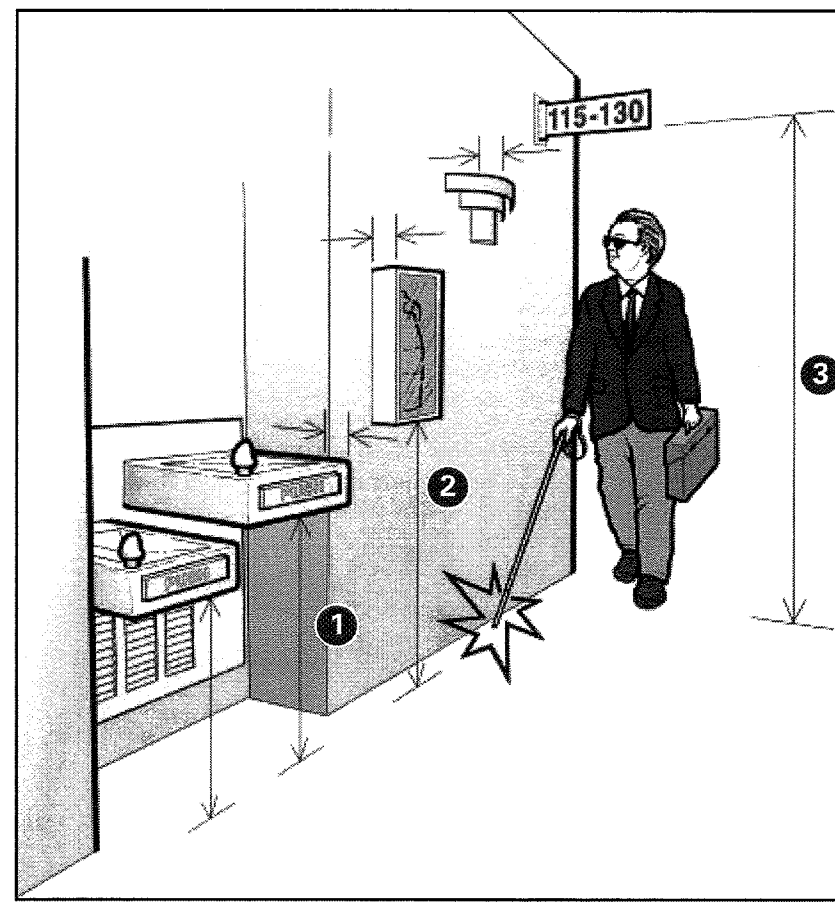
## Part 2. Typical Issues for Voters Who are Blind or Who Have Low Vision

People who are blind or have low vision may walk along any route to access the voting area, not just the accessible routes. That means pedestrian routes **open to voters** serving or leading to the voting area, such as hallways, corridors and the voting space, must be free of objects that cannot be detected by a person who is blind or visually impaired. Objects that are wall-mounted, that project into a pedestrian route from the side, or that are overhead must be located so that voters who are blind or who have a visual impairment will either detect the objects before they run into them or safely pass under them. These routes must be free of overhanging objects that are less than 80 inches above the floor and side objects that protrude into the route more than 4 inches when the bottom of the object is more than 27 inches above the floor. Items to watch for include wall-mounted fire extinguishers and wall-mounted display cases when the bottom is more than 27 inches above the floor, wall sconces and light fixtures that protrude more than 4 inches off the wall, and open staircases, exit signs, overhead signs, banners, and arched doorways that are lower than 80 inches above the floor.

The following checklist applies to pedestrian routes serving or leading to the voting area.

## Notes:

- 1 Wall-mounted drinking fountains are a hazard when the front projects more than 4 inches beyond the wall and the bottom is more than 27 inches above the floor.
- 2 Wall-mounted objects cannot project more than 4 inches beyond the wall if the bottom is not in the cane-detectable area below 27 inches off the floor.
- 3 Overhead objects must be at least 80 inches off the floor.



Overhead and wall-mounted objects that may be hazards along a pedestrian route.



## Polling Place Checklist Hallways and Corridors - Part 2

## Comments

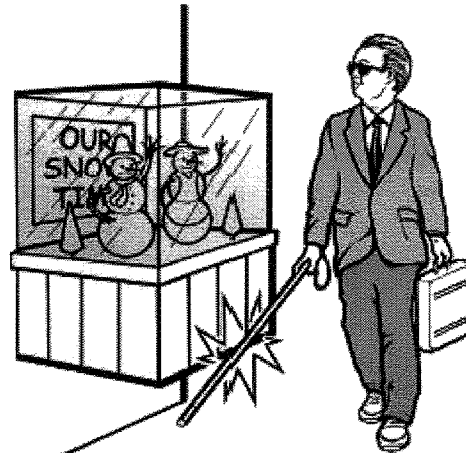
**Halls and Corridors Checklist - Voters who are Blind or Who Have Low Vision**

E2-1. Are pedestrian routes leading to or serving the voting area free of objects that protrude from the side more than 4 inches into the route with the bottom of the object more than 27 inches above the floor? [ADA Std. 4.4]

Yes \_\_\_\_\_ No \_\_\_\_\_

*Note: These objects may be wall mounted or free standing. Items to check include wall-mounted fire extinguishers, light fixtures, coat hooks, shelves, drinking fountains, and display cases.*

*If No, list the objects that are a hazard and their location. Placing a detectable object on the floor below each object may remove the hazard for election day.*



**If the bottom of an object is not more than 27 above the floor, it may extend an unlimited amount from the wall.**

E2-2. Are pedestrian routes leading to or serving the voting area free of overhead objects with the bottom edge lower than 80 inches above the floor?

Yes \_\_\_\_\_ No \_\_\_\_\_

*If No, list the objects that are a hazard and their location. Placing a detectable object on the floor below each object may remove the hazard for election day.*

E2-3. If provided, are the interior stairs along these routes built so that people who are blind or visually impaired cannot hit their heads on the underside (i.e., protected with a cane-detectable warning or a barrier that prevents travel into the area with less than an 80-inch-high head clearance)? [ADA Std. 4.4.2]

Yes \_\_\_\_\_ No \_\_\_\_\_

## Polling Place Checklist Hallways and Corridors - Part 2

## Temporary Solutions for Election Day

## Hallways and Corridors - Voters Who are Blind or Who Have Low Vision

**Problem One:**

Wall-mounted display case is a protruding object hazard because it is more than 4 inches from the wall and the bottom of the case is more than 27 inches above the floor.

**Suggestion:** Place a detectable object or skirting below the case. The bottom of the skirting or detectable object must be no higher than 27 inches above the floor.

**Problem Two:**

Ceiling or wall-mounted television monitor has less than 80 inches of clearance between the floor and the bottom of the unit.

**Suggestion:** Place a detectable object below the unit (no more than 27 inches above the floor) so a voter who is blind will not walk into the television.

**Problem Three:**

The bottom of a stair is open and voters who are blind or who have low vision can hit their heads on the underside of the stair.

**Suggestion:** Provide a detectable fence or other object so voters cannot walk under the stair.



A detectable fence placed under this stair keeps people from running into the bottom of the open stair.

## Polling Place Checklist

## Using the Polling Place

### F. Voting Area

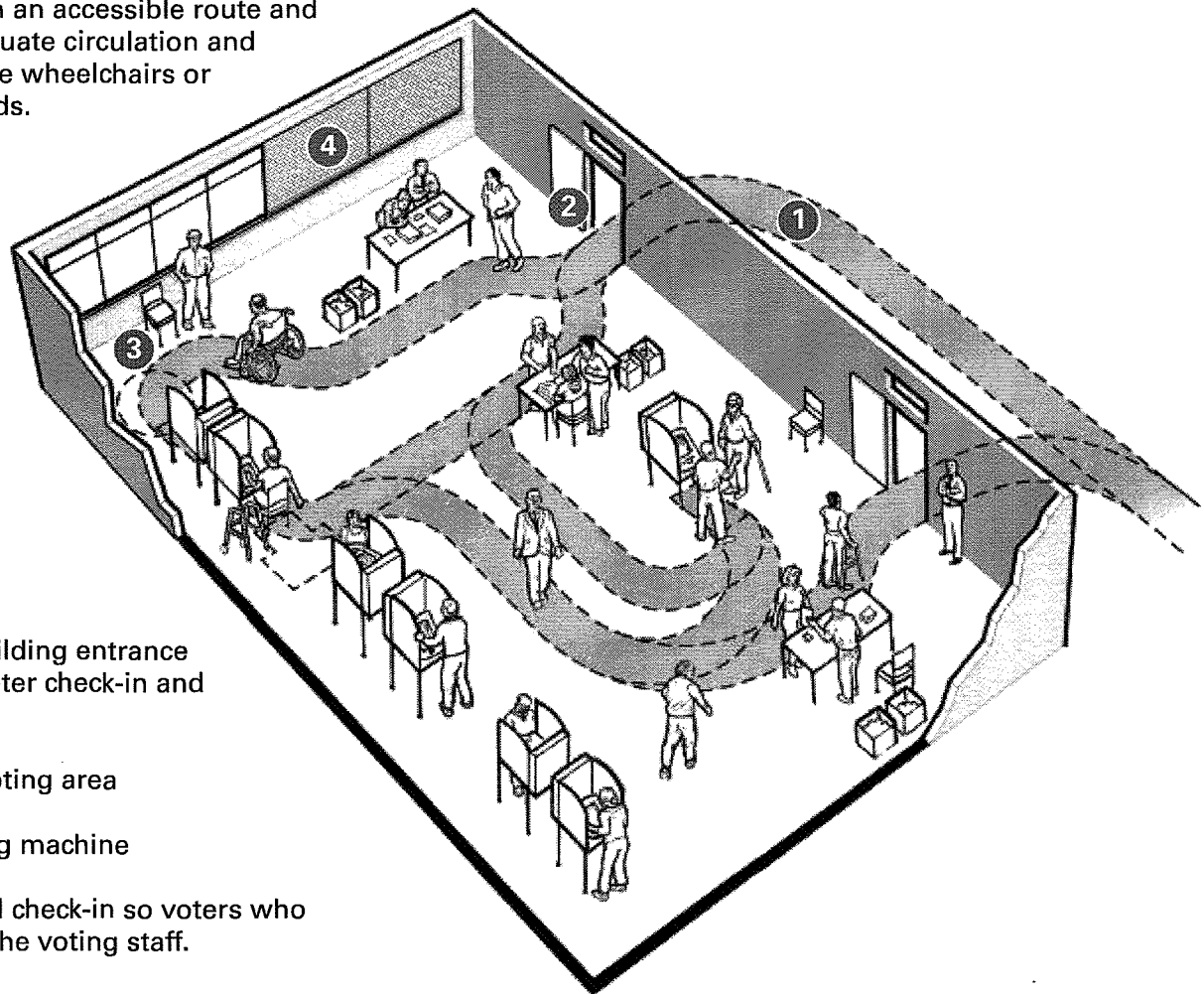
#### Typical Issues

The accessible voting area must be on an accessible route and have an accessible entrance and adequate circulation and maneuvering space for voters who use wheelchairs or scooters or who walk with mobility aids.

An accessible route must connect the accessible building entrance to the accessible voting area, which includes voter check-in and the location of the accessible voting machines. The survey should also identify any protruding objects (wall-mounted or overhead) along the circulation route to voter check-in and the voting area.

#### Notes:

- 1 Accessible route connects the building entrance with the voting area, including voter check-in and accessible voting machine.
- 2 Accessible door or doorway to voting area
- 3 Turning space at accessible voting machine
- 4 Blinds closed on windows behind check-in so voters who read lips can communicate with the voting staff.



## Polling Place Checklist Voting Area

## Voting Area Checklist

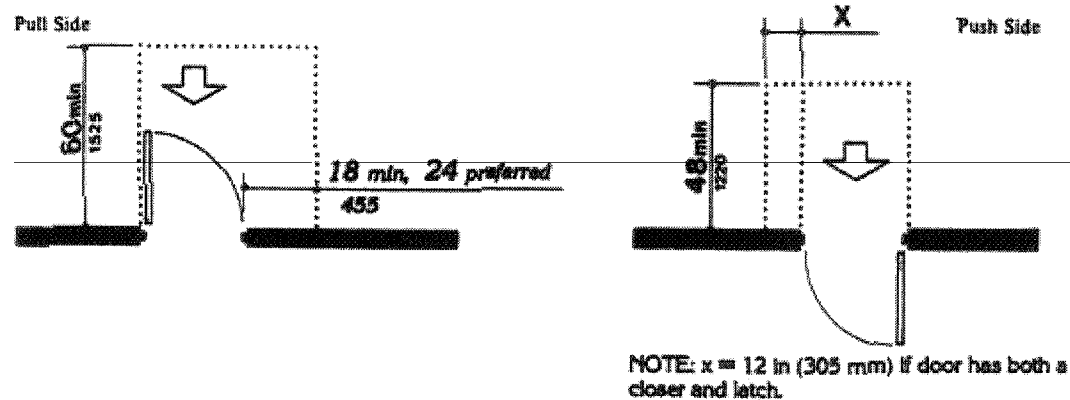
1. Is there an accessible entrance to the voting area? Yes \_\_\_\_\_ No \_\_\_\_\_
2. Within the voting area, is adequate space available on the accessible level for check-in tables, a voting demonstration area (if provided), and at least one accessible voting station? Yes \_\_\_\_\_ No \_\_\_\_\_
3. Is the voting area free of objects that protrude from the side more than 4 inches into the route with the bottom of the object more than 27 inches above the floor?  
[ADA Stds. 4.4]  
*Note: These objects may be wall mounted or free standing. Items to check include wall-mounted fire extinguishers, light fixtures, coat hooks, shelves, and display cases.* Yes \_\_\_\_\_ No \_\_\_\_\_
4. Is the voting area free of overhead objects that voters may pass under with the bottom edge lower than 80 inches above the floor? Yes \_\_\_\_\_ No \_\_\_\_\_

## Comments

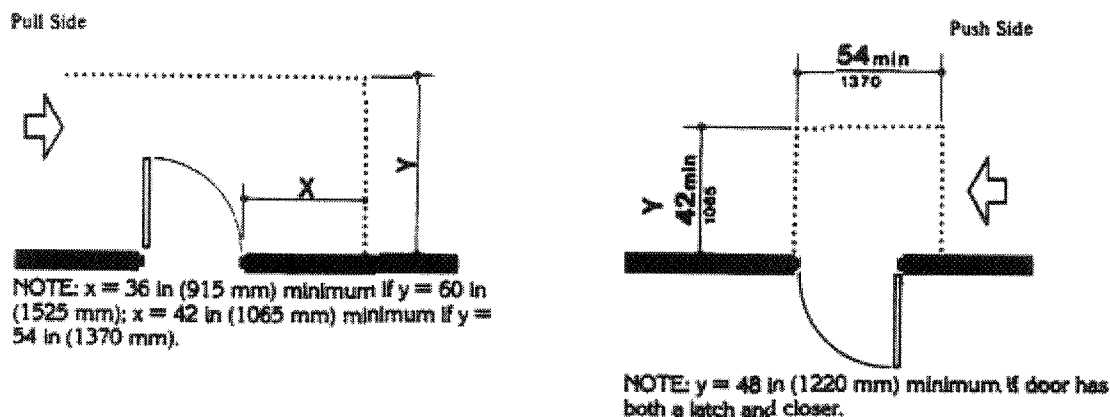
A-1

Polling Place Checklist

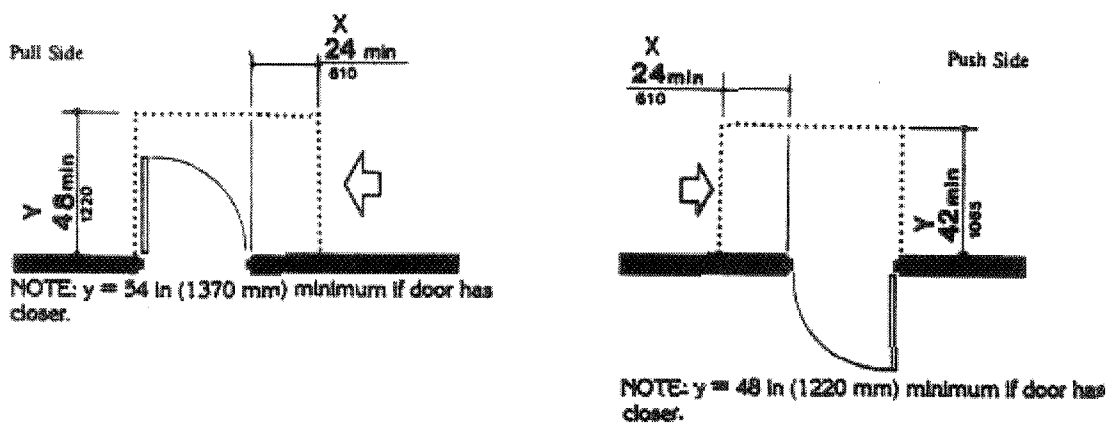
## Appendix



(a)  
Front Approaches — Swinging Doors



(b)  
Hinge Side Approaches — Swinging Doors



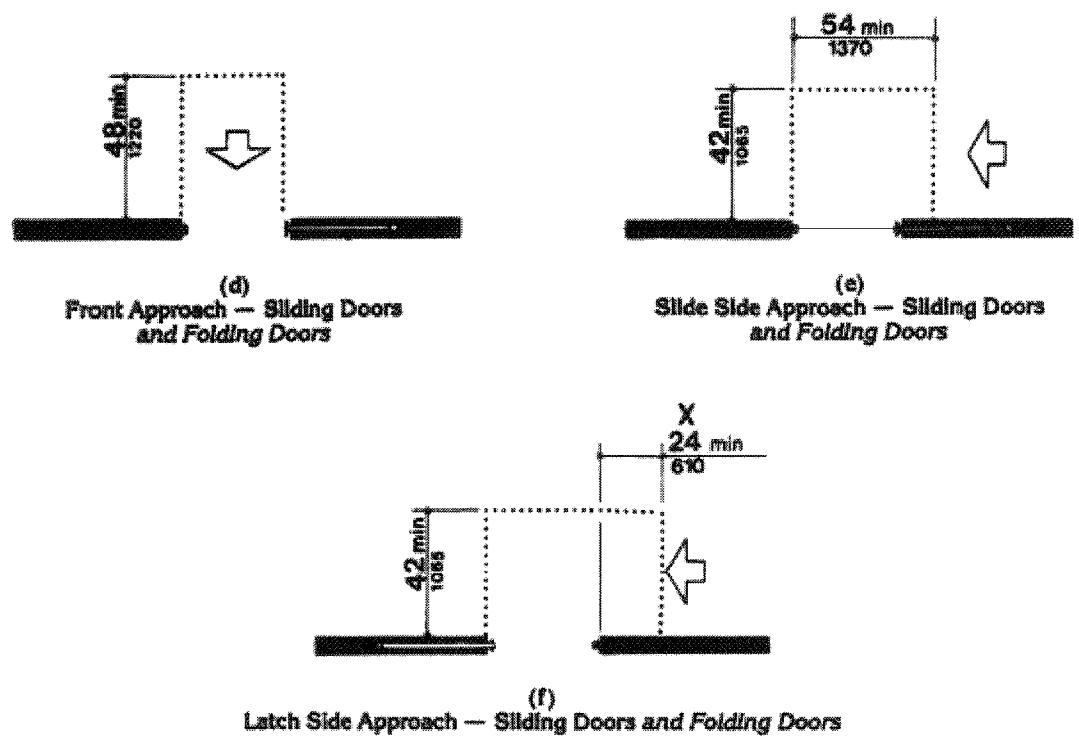
(c)  
Latch Side Approaches — Swinging Doors

NOTE: All doors in alcoves shall comply with the clearances for front approaches.

Fig. 25  
Maneuvering Clearances at Doors



A-3



NOTE: All doors in alcoves shall comply with the clearances for front approaches.

Fig. 25  
 Maneuvering Clearances at Doors (Continued)

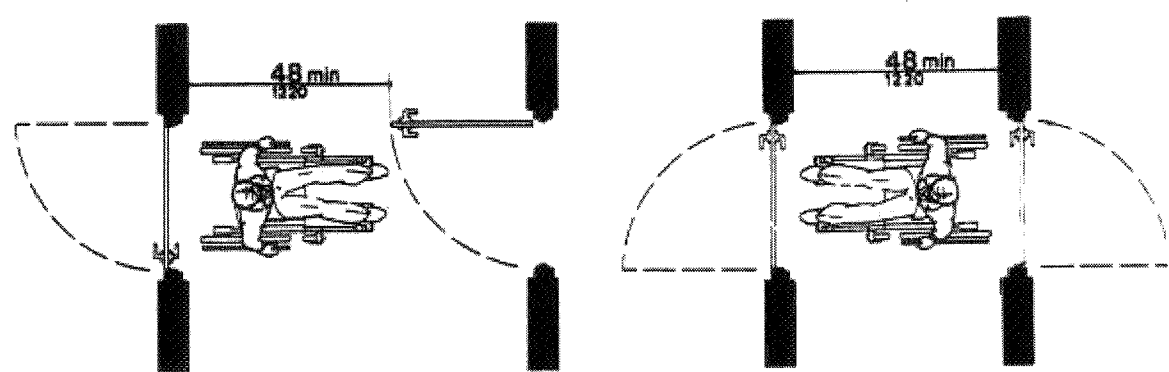


Fig. 26  
 Two Hinged Doors in Series

Appendix  
 Polling Place Checklist

## EXHIBIT C



Disabled in Action v. Board of Elections in City of New York, 752 F.3d 189 (2014)

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752 F.3d 189

United States Court of Appeals,  
Second Circuit.

DISABLED IN ACTION, a nonprofit  
organization, United Spinal Association, a  
nonprofit organization, Plaintiffs–Appellees,  
v.

BOARD OF ELECTIONS IN THE CITY OF  
NEW YORK, Frederic M. Umane, in his official  
capacity as President of the Board of Elections  
in the City of New York, Defendants–Appellants.

No. 12–4412–cv.

Argued: Dec. 12, 2013.

Decided: May 14, 2014.

#### Synopsis

**Background:** Non-profit organizations representing people with mobility or vision disabilities brought action alleging that city board of elections discriminated against individuals with disabilities in violation of Americans with Disabilities Act (ADA) and Rehabilitation Act by operating polling places with barriers to access. The United States District Court for the Southern District of New York, Batts, J., 882 F.Supp.2d 615, entered summary judgment in plaintiffs' favor, and board appealed.

**Holdings:** The Court of Appeals, Chin, Circuit Judge, held that:

[1] board denied people with mobility or vision disabilities meaningful access to its voting program;

[2] fact that there were no existing facilities that were accessible, available, and met requirements for serving as poll site did not relieve board of its obligation to provide accessible facilities; and

[3] district court did not abuse its discretion in entering remedial order.

Affirmed.

West Headnotes (8)

#### [1] Civil Rights

☞ Discrimination by reason of handicap, disability, or illness

To establish violation of Rehabilitation Act or Title II of ADA, plaintiff must demonstrate that: (1) he is qualified individual with a disability; (2) defendant is subject to one Act; and (3) he was denied opportunity to participate in or benefit from defendant's services, programs, or activities, or was otherwise discriminated against by defendant because of his disability. Rehabilitation Act of 1973, § 504(a), 29 U.S.C.A. § 794(a); Americans with Disabilities Act of 1990, § 202, 42 U.S.C.A. § 12132.

29 Cases that cite this headnote

#### [2] Civil Rights

☞ Discrimination by reason of handicap, disability, or illness

Public entity does not need to employ any and all means to make services accessible, and Rehabilitation Act and Title II of ADA require only reasonable modifications that would not fundamentally alter nature of service provided, or impose undue financial or administrative burden. Rehabilitation Act of 1973, § 504(a), 29 U.S.C.A. § 794(a); Americans with Disabilities Act of 1990, § 202, 42 U.S.C.A. § 12132.

3 Cases that cite this headnote

#### [3] Action

☞ Statutory Remedies

Absent clear direction to contrary by Congress, federal courts have power to award any appropriate relief in cognizable cause of action brought pursuant to federal statute.

Cases that cite this headnote

#### [4] Federal Courts

Disabled in Action v. Board of Elections in City of New York, 752 F.3d 189 (2014)

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⚡ Equity jurisdiction in general

If local authorities fail in their affirmative obligations under federal law, scope of district court's equitable powers is broad, for breadth and flexibility are inherent in equitable remedies.

Cases that cite this headnote

[5] **Civil Rights**

⚡ Discrimination by reason of handicap, disability, or illness

Plaintiffs need not prove that they have been disenfranchised or otherwise completely prevented from enjoying service, program, or activity to establish discrimination under Rehabilitation Act or Title II of ADA; rather, plaintiffs must show that public entity has failed to provide them with meaningful access to benefit that it offers. Rehabilitation Act of 1973, § 504(a), 29 U.S.C.A. § 794(a); Americans with Disabilities Act of 1990, § 202, 42 U.S.C.A. § 12132.

21 Cases that cite this headnote

[6] **Civil Rights**

⚡ Physical access and mobility;carriers

City board of elections denied people with mobility or vision disabilities meaningful access to its voting program, in violation of Rehabilitation Act and Title II of ADA, by designating inaccessible poll sites and failing to assure their accessibility through temporary equipment, procedures, and policies on election days, even though there were no alternative, accessible facilities to serve as poll sites, board permitted individuals with disabilities to transfer from inaccessible to accessible polling sites or to cast absentee ballots, and board remedied barriers to access as they were made aware of them on election days, where more than 80% of poll sites that were inspected contained at least one barrier that had potential to prevent person with disability from accessing his or her assigned polling place and casting private ballot on election days, board did not respond to

many accessibility issues even after they were brought to its attention, and board failed to show that proposed accommodations would be unreasonable to implement. Rehabilitation Act of 1973, § 504(a), 29 U.S.C.A. § 794(a); Americans with Disabilities Act of 1990, § 202, 42 U.S.C.A. § 12132; 28 C.F.R. § 35.150; N.Y.McKinney's Election Law § 5-601.

2 Cases that cite this headnote

[7] **Civil Rights**

⚡ Physical access and mobility;carriers

Fact that there were no existing facilities that were accessible, available, and met requirements for serving as poll site did not relieve city board of elections of its obligation under Rehabilitation Act and Title II of ADA to provide individuals with disabilities with accessible facilities. Rehabilitation Act of 1973, § 504(a), 29 U.S.C.A. § 794(a); Americans with Disabilities Act of 1990, § 202, 42 U.S.C.A. § 12132; 28 C.F.R. § 35.150.

21 Cases that cite this headnote

[8] **Civil Rights**

⚡ Judgment and relief in general

District court did not abuse its discretion in entering remedial order for city board of elections' violations of Rehabilitation Act and Title II of ADA arising from its inadequate operation of poll sites on election days and its failure to properly plan to make facilities accessible to individuals with disabilities, where barriers to access were pervasive, board's current procedures and policies were inadequate, order outlined policies and procedures for on-site accessibility coordinators and monitors, created process by which third party expert would survey facilities and make suggestions to board as to how to improve accessibility, and provided accountability mechanisms, and district court gave board multiple opportunities to submit written plan, to offer suggestions, to test its proposed accommodations, and to modify proposal, but board failed to provide written

**Disabled in Action v. Board of Elections in City of New York, 752 F.3d 189 (2014)**

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suggestions or demonstrate efficacy of its accommodations. Rehabilitation Act of 1973, § 504(a), 29 U.S.C.A. § 794(a); Americans with Disabilities Act of 1990, § 202, 42 U.S.C.A. § 12132.

Cases that cite this headnote

**Attorneys and Law Firms**

**\*191** Stuart Seaborn, Disability Rights Advocates, Berkeley, CA (Sid Wolinsky and Christine Chuang, Disability Rights Advocates, Berkeley, CA, Julia Miriam Pinover, Disability Rights Advocates, New York, NY, Kevin Mintzer, The Law Office of Kevin Mintzer, P.C., New York, NY, and Mariann Meier Wang, Cuti Hecker Wang LLP, New York, NY, on the brief), for Plaintiffs–Appellees.

Drake A. Colley (Edward F.X. Hart, on the brief), for Michael A. Cardozo, Corporation Counsel of the City of New York, New York, NY, for Defendants–Appellants.

Alicia M. Simmons, Assistant U.S. Attorney (Benjamin H. Torrance, Assistant U.S. Attorney, on the brief), for Preet Bharara, United States Attorney of the Southern District of New York, New York, NY, and Jocelyn Samuels, Acting Assistant Attorney General (Dennis J. Dimsey and Sasha Samberg-Champion, Attorneys), Civil Rights Division, U.S. Department of Justice, for Amicus Curiae United States of America.

Before: CABRANES, HALL, and CHIN, Circuit Judges.

**Opinion**

CHIN, Circuit Judge:

The Board of Elections in the City of New York (the “BOE”) is responsible for identifying and designating poll sites that are accessible to voters with disabilities in New York City. In this case, plaintiffs-appellees, non-profit organizations representing people with mobility or vision disabilities (collectively “plaintiffs”), allege that BOE is failing to provide them with meaningful access to its voting program, in violation of Section 504 of the Rehabilitation Act of 1973 (the “Rehabilitation Act”), 29 U.S.C. § 794(a), and Title II of the Americans with Disabilities Act of 1990 (the “ADA”), 42 U.S.C. § 12132.

The district court (Batts, *J.*) concluded that pervasive and recurring barriers to access exist at poll sites operated by BOE and granted plaintiffs' motion for summary judgment. After giving the parties the opportunity to develop and propose a joint plan for relief, the district court ordered a remedial plan to address BOE's violations of federal law. We conclude that the district court properly granted plaintiffs' motion for summary judgment. Moreover, we find that the district court did not abuse its discretion in ordering the remedial plan. Accordingly, we affirm.

**STATEMENT OF THE CASE****A. The Facts**

As the district court noted, the facts set forth below are not in substantial dispute. *See United Spinal Ass'n v. Bd. of Elections in the City of New York*, 882 F.Supp.2d 615, 617 (S.D.N.Y.2012).<sup>1</sup>

**\*192 1. New York Voting Laws**

BOE is responsible for identifying and designating polling places that are accessible to voters with disabilities, and ensuring compliance with accessibility standards. N.Y. Elec. Law § 4–104(1). Under New York law, an individual with a disability may vote (1) in person on election day at her assigned polling place; (2) in person on election day at an alternative, accessible polling place, provided that the candidates and ballot proposals on the ballot at the alternative location are the same as those on the ballot at the assigned polling place; or (3) by absentee ballot if she is unable to appear at the assigned polling place. *Id.* §§ 5–601, 8–400(1)(b).

To vote at an alternative, accessible polling location, an individual must submit a written application to transfer her registration at least fourteen days before the election. *Id.* § 5–601(2). Ten days before the election, BOE must provide the voter with information as to the location of the election district to which her records have been transferred, or inform the voter that there is no alternative, accessible polling place. *Id.* § 5–601(7). If there is no alternative polling place available, BOE must treat the voter's application as an application for an absentee ballot for the election. *Id.* § 5–601(8).

**Disabled in Action v. Board of Elections in City of New York, 752 F.3d 189 (2014)**

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To apply for an absentee ballot, a voter must submit an application by mail at least seven days or by hand at least one day before the election, stating, in part, that she is “unable to appear at a polling place because of ... physical disability.” *Id.* §§ 8–400(2)(c), 8–400(3)(c)(ii). Such an individual may also apply for the “right to receive an absentee ballot for each election thereafter ... without further application.” *Id.* § 8–400(4).

**2. BOE's Designation and Operation of Poll Sites**

BOE does not own any facilities that serve as poll sites. Instead, it designates as poll sites facilities owned either by a private entity or by another governmental agency. Prior to election days, at least 30% of the locations in New York City that BOE designates as poll sites are structurally inaccessible to individuals with disabilities. BOE is currently in the process of surveying each poll site to determine its accessibility.

In an effort to address barriers to access on election days, BOE attempts to use temporary measures to make these locations accessible. Moreover, BOE includes a section in its Poll Worker's Manual to inform poll workers about accessibility issues. BOE also employs teams of Assembly District (“AD”) monitors, trained in disability issues and charged with ensuring that poll sites are operated in accordance with all applicable standards, to visit poll sites at least twice on election days.

**3. Barriers to Access at New York City Polling Places**

Since 2003, the Center for Independence of the Disabled, New York (“CIDNY”), an entity designated by the State of New York to train and certify poll site surveyors in accessibility issues, has conducted inspections of a random sample of BOE's poll sites on election days. CIDNY trains its staff and volunteer surveyors to use a checklist consistent with the United States Department of Justice's ADA Checklist for Polling Places. According to survey data from election days in 2008 to 2011, 80% or more of the polling sites surveyed contained at least one physical barrier to access.<sup>2</sup> These barriers include those relating \*193 to ramps, entryways, pathways, interior spaces at poll sites, and missing or misplaced signage.

The deposition testimony of surveyors and individuals with disabilities confirms that barriers to access exist on election days that make it difficult for disabled voters to cast their ballots in person. For example, in 2010 Rima

McCoy, the Voting Rights Director for CIDNY from July 2008 to December 2011, inspected, among others sites, the poll site located at P.S. 13 in Queens. When she arrived at P.S. 13 there was no sign at the inaccessible main entrance to direct disabled voters to the accessible entrance. After she located the accessible entrance on her own, she found that the door was locked and the bell did not work. Once inside, McCoy observed that there was no signage from the accessible entrance to direct voters to the voting area or to inform them on which floor the voting area was located. Further, the placement of the ADA privacy booth in the voting area made the booth inaccessible to wheelchair users.

Denise McQuade, a registered voter who uses a wheelchair for mobility, encountered barriers to access during the September 2010 election at P.S. 102 in Bay Ridge. The ramp at P.S. 102 was “extremely steep—like a ski slope.” J.A. 728. McQuade was “very frightened to use [it] because there was no landing at the top of the ramp,” and this made it impossible for her to exit the building safely without assistance. *Id.* Although she was able to vote with the help of her husband and a police officer, she was afraid to go back to vote in subsequent elections. Accordingly, she used an absentee ballot in the November 2011 election.

Voters with vision impairments also encountered barriers to access. For example, Paula Wolff, an individual who is legally blind, was unable to privately cast her vote in the November 2011 election. Some 90% of residents at her polling place, Selis Manor, are blind. Though Selis Manor is required to have two Ballot Marking Device (“BMD”) machines for voters with disabilities, there was only one BMD machine during the November 2011 election and it was not working. Despite calls by poll workers to BOE regarding the malfunctioning machine, the machine was never repaired. Accordingly, visually disabled voters needed poll workers to read and mark their ballots for them.

As its own information reflects, many of BOE's poll sites are inaccessible on election days. BOE acknowledges that at least two of its poll sites are fully inaccessible. Further, its call incident logs and reports from election days indicate that other sites were missing ramps and other accessibility equipment. Despite being notified of accessibility issues, BOE consistently did not respond to or remedy the problems of which it was made aware. Although BOE plans for AD monitors to visit all poll sites,



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its own documentation shows that many AD monitors did not visit their planned sites on election days.

BOE does not have an ADA coordinator or someone designated as primarily responsible for ensuring compliance with the ADA, as required by federal regulations. *See* 28 C.F.R. § 35.107(a). Nor does BOE have an accessibility transition plan for the poll sites that it designates. *See id.* § 35.150.

**\*194 B. Proceedings Below**

On July 26, 2010, plaintiffs filed a complaint against BOE alleging that it discriminated against individuals with disabilities in violation of the ADA and Section 504 by operating polling places with barriers to access. The district court denied plaintiffs' motion for a preliminary injunction. After the parties completed discovery, plaintiffs moved for summary judgment seeking declaratory relief.

In a memorandum and order dated August 8, 2012, the district court granted plaintiffs' motion for summary judgment. *United Spinal Ass'n*, 882 F.Supp.2d at 627. As an initial matter, the district court rejected BOE's argument that plaintiffs' claims fail because there was no evidence that any voter had been deprived of the right to participate in an election. *Id.* at 623. The district court found that there was "no genuine dispute of material fact as to the existence of pervasive and recurring barriers to accessibility on election days at poll sites designated by the BOE." *Id.* at 624. Moreover, the district court rejected BOE's argument that it accommodates voters with disabilities by (1) offering those assigned to inaccessible poll sites an opportunity to transfer their registration and (2) addressing barriers as they are made aware of them on election days. *Id.* at 627.

Shortly after granting plaintiffs' motion for summary judgment, the district court ordered the parties to confer and develop potential remedies. Accordingly, plaintiffs met with BOE and proposed a framework for remedial relief. BOE did not respond with feedback or propose a plan of its own. At the hearing on August 27, 2012, BOE offered information about how it was trying to address accessibility issues for the upcoming elections in September and November 2012, including assigning poll site coordinators to each poll site, attempting to survey every poll site in New York City, and providing additional signage at poll sites. BOE also expressed concerns about

its ability to hire additional staff and CIDNY's potential oversight in any remedial plan. The district court again ordered parties to discuss a possible remedial plan and scheduled another hearing.

At the hearing on September 10, 2012, BOE described changes that it planned to make for the upcoming primary election that week. Specifically, BOE planned to provide poll site coordinators with special instructions regarding poll site accessibility, a survey instrument to assess whether the site was ADA compliant throughout the day, and an ADA journal to record their observations. Further, each poll site would receive a five-foot chain to measure areas and ensure that wheelchairs users had adequate space. Teams of AD monitors would also visit poll sites throughout the day. Plaintiffs opined that the proposed changes were not sufficient to remedy the systemic violations. After listening to and reviewing BOE's proposals, the district court determined that it wanted to assess their effectiveness at a sample of poll sites in the upcoming September 2012 Primary Election (the "September 2012 Election"). Accordingly, the district court asked the parties to confer and generate a list of 37 to 40 poll sites that had had an accessibility problem for more than one year. The district court requested that the accessibility data from these poll sites be available by the next conference.

On October 11, 2012, the Department of Justice ("DOJ") appeared, pursuant to 28 U.S.C. § 517,<sup>3</sup> and submitted a proposed \*195 order for a remedial plan, modeled after a settlement agreement the DOJ had entered into with the City of Philadelphia (the "DOJ proposed order").

At a third hearing on October 15, 2012, BOE discussed the data related to accessibility issues that it collected during the September 2012 Election. Out of the 35 poll sites the parties agreed to monitor, BOE reported that 22 of them had at least one barrier to access. BOE was unable to address many of the problems that were reported throughout the day, and it was unable to determine whether the problems had been rectified from the data that it collected.

A representative of DOJ described the DOJ proposed order. After hearing BOE's concerns, the district court stated its intent to sign an order similar to the DOJ proposed order. It gave BOE the opportunity to confer with DOJ and plaintiffs to suggest changes to the DOJ

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proposed order, and asked the parties to submit a new proposed remedial order based on BOE's requests. The record does not indicate that another plan was submitted.

In an order dated October 18, 2012 (the "remedial order"), the district court issued a remedial plan. The district court referred oversight of the implementation of the remedial order to Magistrate Judge Pitman.

The remedial order, based on the DOJ proposed order, provides for the following: BOE is to designate one of its existing poll site workers at every poll site as the on-site Americans with Disabilities Act Coordinator, to be trained by CIDNY for the November 6, 2012 General Election and a third-party mutually agreed upon by the parties for elections thereafter. BOE is to contract with CIDNY to develop a poll-site accessibility checklist. The on-site accessibility coordinators shall use the checklist to document any accessibility complaints received on election days and, based on this data, BOE is to submit a report 45 days after an election day.

Further, the remedial order mandates that AD monitors visit each polling site twice on election days to assess the accessibility of the poll site, take steps to assist on-site poll workers to remedy any access barriers at the site, and document the results.

To improve poll site accessibility over the long term, the remedial order also mandates that BOE contract with an independent third-party with expertise in voting accessibility (the "Third Party Expert"). The remedial order provides that the parties are to confer to select the Third Party Expert, and in the event they disagree, the parties are to submit their recommendations to Magistrate Judge Pitman, who will then make the selection.<sup>4</sup> The Third Party Expert is responsible for surveying the poll sites in New York City and providing a report on poll site accessibility to the parties and Magistrate Judge Pitman. The Third-Party Expert report is to include recommendations as to how specific poll sites may be temporarily modified to make them accessible. If the Third Party Expert concludes that a poll site cannot be reasonably modified, BOE must report to plaintiffs and the Third Party Expert whether the polling site can \*196 be relocated or made temporarily accessible.

The remedial order mandates that BOE implement the Third Party Expert's recommendations unless

BOE concludes "it cannot reasonably implement a recommendation," "relocation of the polling site to an alternate location is a more appropriate response to the recommendation," or "a polling site cannot be relocated." Order, October 18, 2012, ECF No. 119, at 11. If BOE so concludes, it is to confer with the Third Party Expert and plaintiffs about alternative measures to address accessibility. If BOE, plaintiffs, and the Third Party Expert are unable to agree as to the implementation of a recommendation, BOE may petition Judge Pitman for relief pursuant to Federal Rule of Civil Procedure 60, subject to appeal in the normal course. The Third Party Expert is to train BOE employees to determine whether a poll site is accessible.

The remedial order provides that parties may petition the district court to modify it at any time.<sup>5</sup> Moreover, it provides that the district court shall maintain jurisdiction over the implementation of the remedial order through December 16, 2016.

This appeal followed.

## DISCUSSION

### A. Applicable Law

"We review an order granting summary judgment *de novo* and resolve all ambiguities and draw all permissible factual inferences in favor of the party against whom summary judgment is sought." *Lederman v. New York City Dep't of Parks & Recreation*, 731 F.3d 199, 202 (2d Cir.2013) (internal quotation marks and alterations omitted).

We review a district court's decision to award injunctive relief for abuse of discretion. *See Henrietta D. v. Bloomberg*, 331 F.3d 261, 290 (2d Cir.2003).

#### 1. Section 504 of the Rehabilitation Act and Title II of the ADA

Section 504 of the Rehabilitation Act "prohibits programs and activities receiving federal financial assistance from excluding, denying benefits to, or discriminating against 'otherwise qualified' " individuals with a disability. *McElwee v. Cnty. of Orange*, 700 F.3d 635, 640 (2d Cir.2012) (quoting 29 U.S.C. § 794(a)). Title II of the ADA likewise provides that "no qualified individual with

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a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” 42 U.S.C. § 12132. As the “standards adopted by the two statutes are nearly identical, we consider the merits of these claims together.” *McElwee*, 700 F.3d at 640.

[1] To establish a violation under Section 504 or Title II, a plaintiff must demonstrate that “(1) he is a qualified individual with a disability;<sup>6</sup> (2) the defendant is subject to one of the Acts; and (3) he was denied the opportunity to participate in or \*197 benefit from the defendant's services, programs, or activities, or was otherwise discriminated against by the defendant because of his disability.” *Id.*

A public entity discriminates against a qualified individual with a disability when it fails to provide “meaningful access” to its benefits, programs, or services. *Id.* at 641; accord *Henrietta D.*, 331 F.3d at 273. Individuals may be deprived of meaningful access to public programs due to architectural barriers or a public entity's failure to modify existing facilities and practices. Indeed, “elimination of architectural barriers was one of the central aims of the [Rehabilitation] Act.” *Alexander v. Choate*, 469 U.S. 287, 297, 105 S.Ct. 712, 83 L.Ed.2d 661 (1985). The purpose of Title II of the ADA reflects similar concerns.<sup>7</sup> Specifically, “[r]ecognizing that failure to accommodate persons with disabilities will often have the same practical effect as outright exclusion, Congress required the States to take reasonable measures to remove architectural and other barriers to accessibility.” *Tennessee v. Lane*, 541 U.S. 509, 531, 124 S.Ct. 1978, 158 L.Ed.2d 820 (2004). DOJ's implementing regulations explicitly prohibit a public entity from denying individuals with disabilities access to its services because its “facilities are inaccessible to or unusable by [such individuals].” 28 C.F.R. § 35.149.<sup>8</sup> Accordingly, public entities “shall operate each service, program, or activity, so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.” *Id.* § 35.150(a).

[2] To assure meaningful access, “reasonable accommodations in the grantee's program ... may have to be made.” *Henrietta D.*, 331 F.3d at 273 (internal quotation marks omitted). Of course, a public entity does not need to “employ any and all means to make” services

accessible. *Lane*, 541 U.S. at 531–32, 124 S.Ct. 1978. Instead, the Acts “require[] only reasonable modifications that would not fundamentally alter the nature of the service provided,” or “impose an undue financial or administrative burden.” *Id.* at 532, 124 S.Ct. 1978 (internal quotation marks omitted); see also *Henrietta D.*, 331 F.3d at 281.

As the Supreme Court has recognized, Title II's implementing regulations provide a “number of ways” to satisfy the “reasonable modification requirement.” *Lane*, 541 U.S. at 532, 124 S.Ct. 1978. For example, the regulations explain that “[a] public entity may comply with the [relevant] requirements ... through such means as redesign or acquisition of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, ... [and] alteration of existing facilities.” 28 C.F.R. § 35.150(b)(1). Importantly, “[a] public entity is not required to make structural changes in existing facilities where other methods are effective in achieving compliance” with its obligations. *Id.* Further, “[i]n choosing among available methods for meeting [accessibility] requirements, a public entity shall give priority to those methods that offer services, programs, and activities to qualified individuals \*198 with disabilities in the most integrated setting appropriate.” *Id.*

## 2. Injunctive Relief

[3] [4] “[A]bsent clear direction to the contrary by Congress, the federal courts have the power to award any appropriate relief in a cognizable cause of action brought pursuant to a federal statute.” *Franklin v. Gwinnett Cnty. Pub. Schs.*, 503 U.S. 60, 70–71, 112 S.Ct. 1028, 117 L.Ed.2d 208 (1992). If local authorities “fail in their affirmative obligations” under federal law, “the scope of a district court's equitable powers ... is broad, for breadth and flexibility are inherent in equitable remedies.” *Swann v. Charlotte-Mecklenburg Bd. of Educ.*, 402 U.S. 1, 15, 91 S.Ct. 1267, 28 L.Ed.2d 554 (1971). Indeed, a “district court has ‘not merely the power but the duty to render a decree which will so far as possible eliminate the discriminatory effects of the past as well as bar like discrimination in the future.’ ” *United States v. Yonkers Bd. of Educ.*, 837 F.2d 1181, 1236 (2d Cir.1987) (quoting *Louisiana v. United States*, 380 U.S. 145, 154, 85 S.Ct. 817, 13 L.Ed.2d 709 (1965)).

Although the “‘remedial powers of [a district court] must be adequate to the task, ... they are not unlimited.’ ”

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*Missouri v. Jenkins*, 495 U.S. 33, 51, 110 S.Ct. 1651, 109 L.Ed.2d 31 (1990) (quoting *Whitcomb v. Chavis*, 403 U.S. 124, 161, 91 S.Ct. 1858, 29 L.Ed.2d 363 (1971)); see also *Yonkers*, 837 F.2d at 1235. A district court must “tailor [a] remedy to fit the nature and extent of the violation.” *Yonkers*, 837 F.2d at 1235. Moreover, in accordance with principles of federalism, “one of the most important considerations governing the exercise of equitable power is a proper respect for the integrity and function of local government institutions.” *Jenkins*, 495 U.S. at 51, 110 S.Ct. 1651.

### B. Application

First, we consider whether BOE is liable under Section 504 and Title II for the systemic failure to provide meaningful access to individuals with disabilities. Second, we consider whether the remedial order was a proper exercise of the district court's discretion to grant equitable relief.

#### 1. Violations of Section 504 and Title II

BOE does not dispute that the voters plaintiffs represent are qualified individuals with disabilities or that it is a public entity that receives federal funding. It challenges only the district court's holding with respect to the third element of a violation, whether plaintiffs were denied benefits or otherwise discriminated against because of their disabilities. Two inquiries are presented: First, whether BOE denies voters with mobility and vision disabilities meaningful access to its program and services; and second, whether BOE has failed to provide plaintiffs with a reasonable accommodation.

##### a. Barriers to Meaningful Access

[5] As an initial matter, BOE contends that “[b]ecause plaintiffs cannot show that any voter has been deprived of the right to participate in an election as a result of barriers to accessibility at a poll site, plaintiffs' claims fail.” Appellant's Br. at 30. Plaintiffs need not, however, prove that they have been disenfranchised or otherwise “completely prevented from enjoying a service, program, or activity” to establish discrimination under Section 504 or Title II. *Shotz v. Cates*, 256 F.3d 1077, 1080 (11th Cir.2001).<sup>9</sup> Rather, plaintiffs must \*199 show that BOE has failed to “provide[ ] [them] with meaningful access to the benefit that [it] offers.” *Choate*, 469 U.S. at 301, 105 S.Ct. 712; see also *Henrietta D.*, 331 F.3d at 273 (explaining that the relevant inquiry is “whether those

with disabilities are as a practical matter able to access benefits to which they are legally entitled”).

Here, the relevant benefit is the opportunity to fully participate in BOE's voting program. This includes the option to cast a private ballot on election days. See N.Y. Elec. Law § 5-601. Indeed, to assume the benefit is anything less—such as merely the opportunity to vote at some time and in some way—would render meaningless the mandate that public entities may not “afford [ ] persons with disabilities services that are not equal to that afforded others.” *Henrietta D.*, 331 F.3d at 274 (internal quotation and citation omitted); see also *Choate*, 469 U.S. at 304, 105 S.Ct. 712 (“Section 504 seeks to assure evenhanded treatment and the opportunity for handicapped individuals to participate in and benefit from programs receiving federal assistance.”).

[6] By designating inaccessible poll sites and failing to assure their accessibility through temporary equipment, procedures, and policies on election days, BOE denies plaintiffs meaningful access to its voting program. The surveys plaintiffs submitted show that year after year more than 80% of poll sites that are inspected contain at least one barrier that may prevent a person with a disability from accessing his or her assigned polling place.<sup>10</sup> As discussed above, these barriers include dangerous ramps at entrances deemed “accessible,” inadequate signage directing voters with disabilities to accessible entrances or voting areas, blocked entryways or pathways, and inaccessible interior spaces inside voting areas.

Deposition testimony confirms that barriers exist, as documented in the surveys, and explains the practical effects that the barriers have on individuals with disabilities. For example, as discussed above, McQuade, a voter who uses a wheelchair for mobility, was unable to enter and exit her polling site without assistance from \*200 her husband because of a non-compliant ADA ramp, among other things. After this experience, McQuade testified that she was “afraid to go back to try and vote [at her assigned polling place] during subsequent elections,” and therefore “decided it would be safer for [her] to use an absentee ballot” even though she would “prefer to vote alongside [her] neighbors and with [her] community.” J.A. at 729. Similarly, Wolff, an individual who is legally blind, could not read and mark her ballot independently because her polling site failed to maintain workable BMD machines. These voters' experiences, as



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well as others, demonstrate that barriers at poll sites effectively preclude or deter individuals with disabilities from casting a private ballot on election days.

Although McQuade and Wolff were ultimately able to cast their vote with the fortuitous assistance of others, the purpose of the Rehabilitation Act is “to empower individuals with disabilities to maximize employment, economic self-sufficiency, *independence*, and inclusion and integration into society.” 29 U.S.C. § 701(b)(1) (emphasis added). Indeed, as we have noted, “[i]t is not enough to open the door for the handicapped ...; a ramp must be built so that the door can be reached.” *Dopico v. Goldschmidt*, 687 F.2d 644, 652 (2d Cir.1982) (internal quotation marks omitted). The right to vote should not be contingent on the happenstance that others are available to help. BOE's services were not “readily accessible” to McQuade and Wolff, and, moreover, McQuade was deterred from appearing at her poll site in subsequent elections. As we have held, “deterrence constitutes an injury under the ADA.” *Kreiser v. Second Ave. Diner Corp.*, 731 F.3d 184, 188 (2d Cir.2013).

BOE does not offer evidence to create a genuine issue of material fact as to whether barriers to access exist. To the contrary, its own call incident logs and reports confirm the existence of these barriers.

#### **b. Reasonable Accommodations**

Nevertheless, BOE argues that it is not liable under the Acts because (1) there are no alternative, accessible facilities to serve as poll sites; (2) it already offers individuals with disabilities reasonable accommodation by transferring individuals from inaccessible to accessible polling sites; and (3) plaintiffs have not demonstrated that other reasonable accommodations exist. At their core, these arguments misunderstand BOE's affirmative obligations under the statutes and the nature of the accommodations that plaintiffs seek. Accordingly, they fail.

[7] BOE claims that because “no alternative facility exists to serve as a poll site, there is no reasonable accommodation that can be made that would afford a qualified individual the ability to vote at his or her regularly assigned poll site.”<sup>11</sup> Appellant's Br. at 38. Even assuming, however, that “there is no existing facility that is accessible, available, and meets the requirements to

serve as a poll site,” *id.* at 34, DOJ's regulations make clear that the inaccessibility of existing facilities is not an excuse, but rather, a circumstance that requires a public entity to take reasonable active steps to ensure compliance with its \*201 obligations under Section 504 and Title II. Indeed, to find that BOE's responsibilities end where the very discriminatory effects of architectural and other barriers to access begin would not only frustrate the “clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities,” *Henrietta D.*, 331 F.3d at 272 (quoting 42 U.S.C. § 12101(b)(1)), but directly contradict the purpose of the Acts. While we agree that BOE is not expected to “create poll sites out of whole cloth,” Appellant's Br. at 34, it is required to operate its voting program so that “when viewed in its entirety, [the program] is readily accessible to ... individuals with disabilities.” 28 C.F.R. § 35.150(a).

The steps required by the Acts include the very accommodations that plaintiffs propose—providing accessibility equipment and ramps, assigning individuals to assist those with disabilities, and relocating services to accessible locations. *Id.* at § 35.150(b). Moreover, the barriers that plaintiffs' evidence documents—for example, missing or improperly placed accessibility equipment and locked doors at otherwise accessible entrances—reflect systemic problems with BOE's preparation and operation of poll sites that are distinct from BOE's obligation to designate readily-accessible facilities prior to an election day. Accordingly, the fact that BOE cannot find alternative, accessible facilities to serve as poll sites is the start, not the end, of our inquiry as to whether BOE is liable under the Acts.<sup>12</sup>

BOE next argues that it already provides reasonable accommodations for voters with disabilities by (1) reassigning these voters from inaccessible to accessible poll sites and (2) remedying barriers to access as they are made aware of them on election days. While we recognize that reassigning voters may constitute a reasonable accommodation under some circumstances, *see* 28 C.F.R. § 35.150(b), there is nothing in the record to show that this accommodation provides meaningful access in the circumstances here.<sup>13</sup> Moreover, plaintiffs' evidence and BOE's own records confirm that BOE's *ad hoc* policy of remedying barriers to access as they occur is inadequate, especially as BOE does not respond to many accessibility issues even after they are brought to its attention.

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\*202 Finally, BOE contends that plaintiffs' claims fail because they have not demonstrated that reasonable accommodations exist. Plaintiffs have, however, made a *prima facie* showing that the relief they obtained—the district court's remedial order, which was fashioned after BOE had multiple opportunities to be heard—“represents an attempt at reasonable accommodation” that “at its core orders [BOE] to perform its statutory [obligations], and imposes some procedural mechanisms designed to effectuate this goal,” *Henrietta D.*, 331 F.3d at 280, as discussed below.<sup>14</sup>

It is BOE's responsibility, then, to show that the accommodations plaintiffs propose would be unreasonable to implement. *See Henrietta D.*, 331 F.3d at 280 (“[I]t is enough for the plaintiff to suggest the existence of a plausible accommodation, the costs of which, facially, do not clearly exceed its benefits,” and once this is done “the risk of nonpersuasion falls on the defendant.”) (internal quotation marks omitted). In particular, BOE must demonstrate that a proposed accommodation would “fundamentally alter the nature of [its voting program]” or “impose an undue financial or administrative burden” on its operation. *Lane*, 541 U.S. at 532, 124 S.Ct. 1978.<sup>15</sup> For the reasons discussed below, BOE has not made this showing.

In sum, we agree with the district court that the undisputed facts demonstrate that BOE fails to provide individuals with meaningful access to its voting program and that the proposed accommodations, as set forth in the remedial order discussed below, are reasonable and do not fundamentally alter BOE's voting program or impose an undue burden on its operation. Accordingly, we hold that the district court did not err in granting plaintiffs' motion for summary judgment.

## 2. Injunctive Relief

[8] We turn to the issue of relief, and conclude that the district court did not abuse its discretion in awarding plaintiffs injunctive relief.

As Congress did not express any intent to limit the remedies available under Title II or Section 504, equitable relief was proper for the district court to consider. *See Franklin*, 503 U.S. at 70–71, 112 S.Ct. 1028; *cf. Henrietta D.*, 331 F.3d at 280–84. Nevertheless, the district court's “remedial powers ... are not unlimited.” *Jenkins*, 495 U.S.

at 51, 110 S.Ct. 1651 (internal quotation marks omitted). Accordingly, while equitable relief under the Acts is possible, this threshold determination is only part of the inquiry. We must consider whether the remedial order is “tailor[ed] to fit the nature and extent of the violation,” *Yonkers*, 837 F.2d at 1235, and whether the “exercise of equitable power [reflects] a proper respect for the integrity and function of local government institutions,” *Jenkins*, 495 U.S. at 51, 110 S.Ct. 1651. We address these considerations in turn.

### a. Tailored to Fit the Nature and Extent of BOE's Violations

First, we find that the remedial order is “tailor[ed] ... to fit the nature and extent” \*203 of [BOE's] violation[s].” *Yonkers*, 837 F.2d at 1235. Plaintiffs' evidence shows that barriers to access are pervasive and stem both from BOE's inadequate operation of poll sites on election days and its failure to properly plan to make facilities temporarily accessible. BOE's evidence and arguments, in turn, reveal that although it has some procedures and policies in place to accommodate individuals with disabilities, these accommodations consistently fall short. Moreover, the record suggests that in practice these mechanisms may not receive high priority or, in any event, have proven difficult for BOE to implement.<sup>16</sup>

The remedial order addresses these issues. Specifically, to remedy violations that likely arise from BOE's operation of poll sites, the first part of the order outlines policies and procedures for on-site accessibility coordinators and AD monitors (the “Operation Provisions”). The second part attempts to remedy barriers to access or ineffective accommodations that likely stem from BOE's failure to identify accessible facilities or determine how sites may be temporarily modified (the “Facilities Provisions”). The Facilities Provisions create a process by which the Third Party Expert surveys facilities and makes suggestions to BOE as to how to improve accessibility. BOE then adopts the suggestions or confers with the Third Party Expert to find alternative measures.

Further, the remedial order provides accountability mechanisms to ensure that BOE is focusing on its statutory obligations to provide meaningful access to individuals with disabilities. In particular, it requires (1) on-site accessibility coordinators and AD monitors to document barriers on election days and indicate how, if at

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all, these barriers were addressed; (2) BOE to compile and write a report from the on-site data; and (3) BOE to work with the Third Party Expert to find ways to make facilities accessible. In other words, the processes in the remedial order force BOE to move beyond its claim that it is doing all that it can to provide reasonable accommodations, and to begin to proactively identify barriers, document its efforts, reflect on its challenges and successes to provide meaningful access, and use this information to improve the accessibility of its voting program over time.

BOE argues that “certain sections of the order exceed the requirements of the applicable statutes.” Appellant's Letter Br. at 5. We disagree. Title II and Section 504 mandate that BOE provide individuals with disabilities meaningful access to its voting program by making reasonable modifications. This meaningful access standard is “responsive to two powerful but countervailing considerations—the need to give effect to the statutory objectives and the desire to keep [the Acts] within manageable bounds.” *Choate*, 469 U.S. at 299, 105 S.Ct. 712. We find that the remedial order reflects this standard. Its provisions balance BOE's obligations to modify facilities, policies, and procedures with its practical resource constraints. In particular, the Operations Provisions build on personnel, policies, and procedures that BOE already has in place. The Facilities Provisions provide that BOE need not adopt a recommendation if, among other things, it concludes that it “cannot reasonably implement a recommendation.” Order, October 18, 2012, ECF No. 119, at 11. \*204 This determination then triggers an iterative process between BOE and the Third Party Expert to confer about alternative, more feasible measures to provide accommodation.

Finally, BOE argues that the remedial order contains “excesses” that “generally fall into the categories of reporting and the expense associated with compliance with the order.” Appellant's Letter Br. at 5. As an initial matter, we emphasize that despite its opportunity to address the concerns it had with the remedial order before the district court, BOE did not argue below that any of its components were unreasonable. Nor did BOE make this claim in its opening or reply brief on appeal. Only after we ordered BOE to submit a “letter brief addressing in further detail its objections to the [d]istrict [c]ourt's order on remedies” did BOE argue, *for the first time* on appeal,

that complying with certain provisions of the order would “place[] an undue burden” on its voting program. *Id.* at 7.

In particular, BOE claims that (1) a worker at each poll site will not be able to serve as an on-site accessibility coordinator because of other responsibilities; (2) BOE will have difficulty collecting data from its poll sites; (3) and, depending on how many poll sites the Third Party Expert concludes cannot be modified temporarily, BOE may have difficulty suggesting alternative sites or modifications. Without more than conclusory claims that complying with the remedial order may be challenging, we are not persuaded that the accommodations will fundamentally alter BOE's voting program or impose an undue burden on its operation.

To the extent that complying with the remedial order becomes unreasonable, the remedial order provides mechanisms through which BOE may petition the district court, and if necessary this Court, for relief. Moreover, we note that at the time of this appeal, BOE has already proceeded to implement the remedial order and has not pointed to any actual undue burden from its efforts to comply with it thus far. In the one instance where BOE raised a concern, the remedial order was modified to address the concern.

Accordingly, we conclude that the remedial order is tailored to respond to and remedy BOE's violations of Section 504 and Title II.

**b. Respect for the Integrity and Function of BOE**

Second, we find that both the process through which the district court provided injunctive relief and the remedial order itself reflect “a proper respect for the integrity and function of local government institutions.” *Jenkins*, 495 U.S. at 51, 110 S.Ct. 1651.

We emphasize that “[a]s public servants, the officials of the State [or City] must be presumed to have a high degree of competence in deciding how best to discharge their governmental responsibilities.” *Frew v. Hawkins*, 540 U.S. 431, 442, 124 S.Ct. 899, 157 L.Ed.2d 855 (2004). Indeed, State and local officials are elected, in part, “to bring new insights and solutions to problems of allocating revenues and resources.” *Id.* Hence, “[r]estraint and initial deference to state institutional authorities in curing [unlawful] conditions are ... advisable as a matter of realism; federal courts lack the facilities or expertise

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[to administer] plans designed to assure that a state will provide ... acceptable ... services.” *Dean v. Coughlin*, 804 F.2d 207, 213–214 (2d Cir.1986). Accordingly, we review both the process that led the district court to issue the remedial order and its substantive provisions with these important federalism and institutional capacity principles in mind.

\*205 BOE argues that the district court “erred in adopting its own detailed remedial plan instead of directing [BOE] to formulate a plan for curing any perceived constitutional deficiencies in the existing system.” Appellant’s Br. at 41. The district court, however, gave BOE multiple opportunities to submit a written plan, to offer suggestions, to test its proposed accommodations, and to modify DOJ’s proposal based on its concerns.<sup>17</sup> The district court issued a plan only after BOE failed to provide written suggestions or demonstrate the efficacy of its accommodations for the September 2012 Election. Accordingly, the district court did not ignore the notion that it is appropriate, if not preferable, to give a local entity an opportunity to propose ways to remedy statutory deficiencies.<sup>18</sup> Rather, in light of its extensive efforts to consider BOE’s proposals and input, we conclude that the district court demonstrated proper “[r]estraint and initial deference” to BOE in “curing [the relevant] conditions.” *Coughlin*, 804 F.2d at 213.

The substance of the remedial order also reflects proper respect for BOE. First, the remedial order addresses the concerns BOE voiced at hearings before the district court: its inability to hire additional poll workers<sup>19</sup> and that CIDNY would have a controlling role in any plan.<sup>20</sup>

Second, the remedial order reflects the awareness that courts often do not have the expertise or the institutional capacity “needed for formulation and day-to-day administration of detailed plans designed to assure that [a public entity] will provide ... acceptable ... services.” *Id.* at 213–14. As an initial matter, we note that the remedial order is substantially based on the DOJ’s proposed order. The DOJ’s proposed order, in turn, is modeled after a settlement agreement that the DOJ entered into with Philadelphia, a city with similar accessibility challenges. The district court did not, therefore, depend on its own ideas of how to improve BOE’s program, but rather relied on a tested remedial plan proposed by the DOJ, the federal agency tasked with

overseeing the implementation of the Acts, whose views about the Acts “warrant respect.” *Olmstead*, 527 U.S. at 598, 119 S.Ct. 2176.

Further, as noted above, the remedial order is largely procedural in nature. In other words, it does not mandate particular changes or modifications, but rather creates a framework for BOE to cooperate with experts and plaintiffs to confront accessibility challenges and develop feasible accommodations over time. The district court’s role, exercised through Magistrate \*206 Judge Pitman, is to oversee this process and mediate conflict among the parties and experts, rather than effectively run or take over the BOE. Importantly, the remedial order does not contemplate the district court’s oversight indefinitely; instead it sets December 31, 2016 as a clear end date for the district court’s jurisdiction.

Third, the remedial order implicitly recognizes BOE’s central role in managing its voting program and the need for BOE to build capacity to identify and address barriers to access on its own. Indeed, many of its provisions provide opportunities for BOE to decide what is in its best interest or to propose alternatives to the Third Party Expert’s suggestions to reach the same accessibility goals. The remedial order also stresses that the Third Party Expert “shall train employees of the BOE on using the survey instrument and determining whether a polling site location is or can be made accessible.” Order, October 18, 2012, ECF No. 119, at 12–13.

For the foregoing reasons, we determine that the district court did not abuse its discretion in granting plaintiffs injunctive relief and fashioning the remedial plan here.

We emphasize that while the remedial order, on its face, respects BOE’s responsibilities and recognizes the limited capacity of the district court to suggest ways in which BOE should “discharge [those] responsibilities,” *Frew*, 540 U.S. at 442, 124 S.Ct. 899, the district court must, in practice, exercise prudent oversight. We recognize—and the process that the remedial order creates reflects—that providing meaningful access to individuals with disabilities in a large, crowded city with inaccessible facilities is not an easy task that lends itself to simple or singular solutions. Hence, the district court’s supervision should recognize that there are many ways BOE may meet its statutory obligations and focus on building and strengthening BOE’s capacity to identify and address the



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accessibility issues its program confronts. Indeed, the very success of the remedial order depends, in part, on BOE's ability by December 31, 2016 to develop and implement its own plan to work towards providing meaningful access to all of the voters that it serves. We are confident the district court will exercise its oversight with this goal in mind.

We conclude that the district court correctly held that BOE has failed to grant voters with disabilities meaningful access to its voting program. We also find that the remedial order is a proper exercise of the district court's authority to grant equitable relief. Accordingly, the order is AFFIRMED.

#### All Citations

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#### CONCLUSION

#### Footnotes

- 1 At oral argument, BOE confirmed that the facts are undisputed. Oral Argument at 2:54:27–2:55:17. Rather, defendants contest the inferences and conclusions the district court drew from these facts.
- 2 Specifically, in 2008, 54 of the 65 poll sites surveyed, or 83%, contained at least one barrier to access; in 2009, 43 of the 51 polling sites surveyed, or 84%, contained at least one barrier to access; in 2010, 42 of the 53 inspected sites, or 79%, contained at least one barrier to access; and 46 of the 55 polling places inspected in 2011, or 84%, contained at least one barrier to access.
- 3 28 U.S.C. § 517 provides that “any officer of the Department of Justice, may be sent by the Attorney General to any State or district in the United States to attend to the interests of the United States in a suit pending in a court of the United States, ... or to attend to any other interest of the United States.”
- 4 On January 28, 2013, after noting that the parties were unable to agree on an expert and considering both parties' recommendations, Magistrate Judge Pitman issued an order designating Evan Terry Associates, P.C. as the Third Party Expert.
- 5 In fact, at one point BOE did raise a substantive concern. The remedial order was modified on May 13, 2012, after this appeal was filed, to address this concern. The parties' briefs on appeal address the original order entered on October 18, 2012.
- 6 Individuals with a disability are “qualified” if “with or without reasonable modifications to rules, policies, or practices, the removal of architectural ... barriers, or the provision of auxiliary aids and services,” they “meet[ ] the essential eligibility requirements for” participation in public programs or activities. 42 U.S.C. § 12131.
- 7 See 42 U.S.C. § 12101(a)(5) (“[I]ndividuals with disabilities continually encounter various forms of discrimination, including outright intentional exclusion, the discriminatory effects of architectural ... barriers, ... failure to make modifications to existing facilities and practices, exclusionary qualification standards and criteria, segregation, and relegation to lesser services, programs, activities, benefits, jobs, or other opportunities.”).
- 8 “In interpreting the statutory terms we look to the views of the Justice Department, which was charged by Congress with issuing regulations implementing both the ADA and Section 504.” *Henrietta D.*, 331 F.3d at 273–74.
- 9 See *Lane*, 541 U.S. at 514, 124 S.Ct. 1978 (successful Title II plaintiff alleged he was able to attend court proceedings only by crawling up two flights of stairs or allowing officers to carry him); see also *Am. Council of the Blind v. Paulson*, 463 F.Supp.2d 51, 59 (D.D.C.2006), *aff'd and remanded*, 525 F.3d 1256 (D.C.Cir.2008) (“[P]laintiffs do not need to prove ‘no access’ to prevail” on a Section 504 claim.).
- 10 BOE claims that the surveys plaintiffs submitted are unreliable. We reject this argument. First, BOE conceded at oral argument that there were no disputed facts on which the district court's August 8, 2012 order granting summary judgment was based. Oral Argument at 2:54:27–2:55:17. Second, the record does not indicate that BOE argued this point before the district court. Finally, BOE's arguments are purely conclusory and it has presented no evidence—such as contrary survey results or specific errors or problems in the surveys submitted by plaintiffs—to call the validity of plaintiffs' surveys into question. Although BOE contends that the individuals and groups completing the relevant surveys are less experienced than BOE surveyors, nothing in the record supports this claim. In fact, CIDNY is the same entity that trains the surveyors BOE employs. Even assuming that the individuals and groups unaffiliated with BOE are less experienced than BOE surveyors, this fact alone does not support the unreliability of the surveys. Moreover, we note that many courts have relied on surveys conducted by similar surveyors to find poll sites inaccessible. See *Westchester Disabled on the Move, Inc. v. Cnty. of Westchester*, 346 F.Supp.2d 473, 476–77 (S.D.N.Y.2004) (relying on poll site accessibility surveys aligned

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with ADA guidelines to grant preliminary injunction against defendant based on violations of ADA); *New York v. Cnty. of Delaware*, 82 F.Supp.2d 12, 14–18 (N.D.N.Y.2000) (same); *New York ex rel. Spitzer v. Cnty. of Schoharie*, 82 F.Supp.2d 19, 21–25 (N.D.N.Y.2000) (same).

- 11 We recognize that Title II does not require a public entity to “make structural changes in existing facilities where other methods are effective in achieving compliance” with its statutory obligations. 28 C.F.R. § 35.150(b)(1). This provision is particularly relevant to an entity like BOE that does not own or operate any of the facilities that it designates as poll sites, but instead uses facilities operated by others. Indeed, 30% of the facilities BOE designates as poll sites are not compliant with the ADA prior to election days.
- 12 For similar reasons, we reject BOE’s argument that “plaintiffs have the burden of production to demonstrate the existence of alternative, available facilities to serve as replacement poll sites.” Appellant’s Br. at 35. Plaintiffs, like BOE, are certainly not required to identify facilities that are accessible prior to election days. We note that, in any event, plaintiffs did suggest alternative facilities to BOE to serve as poll sites.
- 13 In particular, BOE offers no evidence that it has transferred voters from inaccessible to accessible sites or otherwise notified individuals of the possibility of such a transfer. This lack of evidence is problematic. First, it is unclear how BOE, let alone an individual voter, would know ten days prior to an election that a particular poll site is inaccessible. Indeed, BOE concedes that several sites do not meet accessibility standards, but it has only officially identified two inaccessible polling places. Further, most of the barriers that plaintiffs report are impossible for voters to perceive until they appear at polling sites on an election day. Second, plaintiffs’ undisputed evidence demonstrates that 80% or more of the poll sites surveyed on election days have one or more significant barriers to access. As a practical matter, then, it would seem nearly impossible that this accommodation would provide meaningful access for many individuals with disabilities. Accordingly, while the policy of reassigning voters to accessible polling sites could theoretically constitute a reasonable accommodation, there is nothing in the record to support that it provides meaningful access to individuals with disabilities.
- 14 We need not decide whether plaintiffs or defendants bear the initial burden regarding reasonable accommodation because, even if we accept defendants’ argument that plaintiffs bear the initial burden, there is no question that plaintiffs have met that burden here.
- 15 See also *Olmstead v. L.C. ex rel. Zimring*, 527 U.S. 581, 603–04, 119 S.Ct. 2176, 144 L.Ed.2d 540 (1999) (Ginsburg, J., plurality opinion) (discussing the reasonable modification regulation as the State’s “fundamental-alteration defense”); *id.* at 607, 119 S.Ct. 2176 (Stevens, J., concurring) (explaining that a “state may assert, as an affirmative defense, that the requested modification would cause a fundamental alteration of a State’s services and programs”).
- 16 By way of example, while BOE maintains that it has attempted to survey poll sites over the past several years, it presented no evidence of these surveys. Indeed, the fact that it has only labeled two of 1,300 sites inaccessible, but also concedes that prior to election days 30% of facilities it uses for poll sites are inaccessible, suggests that BOE has much work to do.
- 17 See Order, Aug. 15, 2012, ECF No. 107, at 1 (parties required to “meet, at least once, and develop potential remedies as a basis for the ... hearing before the Court”); Tr. of Hearing on Aug. 27, 2012, 14:10–11, 45:22–25, 46:1–4, Oct. 19, 2012, ECF No. 120 (noting that BOE “has not had an opportunity to reduce [its suggestions] to writing” and giving parties additional time “to get together and talk and work out things that are helpful, with open minds ... so that when you appear before me [at the next hearing], I will be in a better position to know whether or not some more formal relationship imposed by the Court is the only alternative.”); Tr. of Hearing on Oct. 15, 2012, 2:20–24, 3:1–19 (noting submissions from parties, including a status report from BOE, but no proposed plan from BOE).
- 18 See, e.g., *Bell v. Wolfish*, 441 U.S. 520, 547–48, 99 S.Ct. 1861, 60 L.Ed.2d 447 (1979); *Dean*, 804 F.2d at 213–14.
- 19 Order, Oct. 18, 2012, ECF No. 119, at 3 (“This paragraph does not require the BOE to hire any additional staff at its poll sites.”).
- 20 *Id.* at 2–3 (providing after the November 6, 2012 General Election “BOE may contract with a third-party, mutually agreed upon by the parties, to develop training”).

End of Document

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## **EXHIBIT D**

Americans with Disabilities Act  
**ADA Checklist for Polling Places**  
**ADA Survey Summary FINAL Report**  
by  
Evan Terry Associates, LLC  
for  
New York City Board of Elections  
**QUEENS - Q0303**  
**LEFRAK CITY APTS**  
Private



Site Accessible using Temporary Measures,  
but number of ED's will need to be reduced to  
accommodate all equipment needed:





**LEFRAK CITY APTS**  
9610 57 Ave  
Queens, NY 11368

**NYC BOE ADA FINAL REPORT**

**QUEENS**  
**Q0303**

**Polling Site Space Calculation**

Borough:	QUEENS	Zone:	14
Site Type:	Apartment Building	Building Type:	Private
ED Count:	4	Total Voters:	4,575
Useable Sq Ft:	1,476	Number of Translators:	0
Privacy Stations:	19	BMDs:	1
Scanners:	4		
Privacy Booths (ADA):	1	Privacy Booths:	18
ED Tables:	4	Card Tables:	1
Info Tables:	0		
# of Information Clerks:	1	# of Coordinators:	1
# of People for non-ED Tables:	2	Storage Containers:	4
Voters in Site at Once:	91	Voters Sq Ft:	546
SQ FT Needed:	855	Difference:	621
SQ FT Needed with Voters:	1,401	Difference with Voters:	75

**ED/AD Info:**

**Home ED:** 015 / 35  
**Included ED/AD:** 015 / 35; 025 / 35; 016 / 35; 017 / 35

**Excluded ED/AD:** 018 / 35  
**Excluded # of Voters:** 1,122  
[Not included in "Total Voters" indicated above]

**Equipment Needed for Accessibility:**

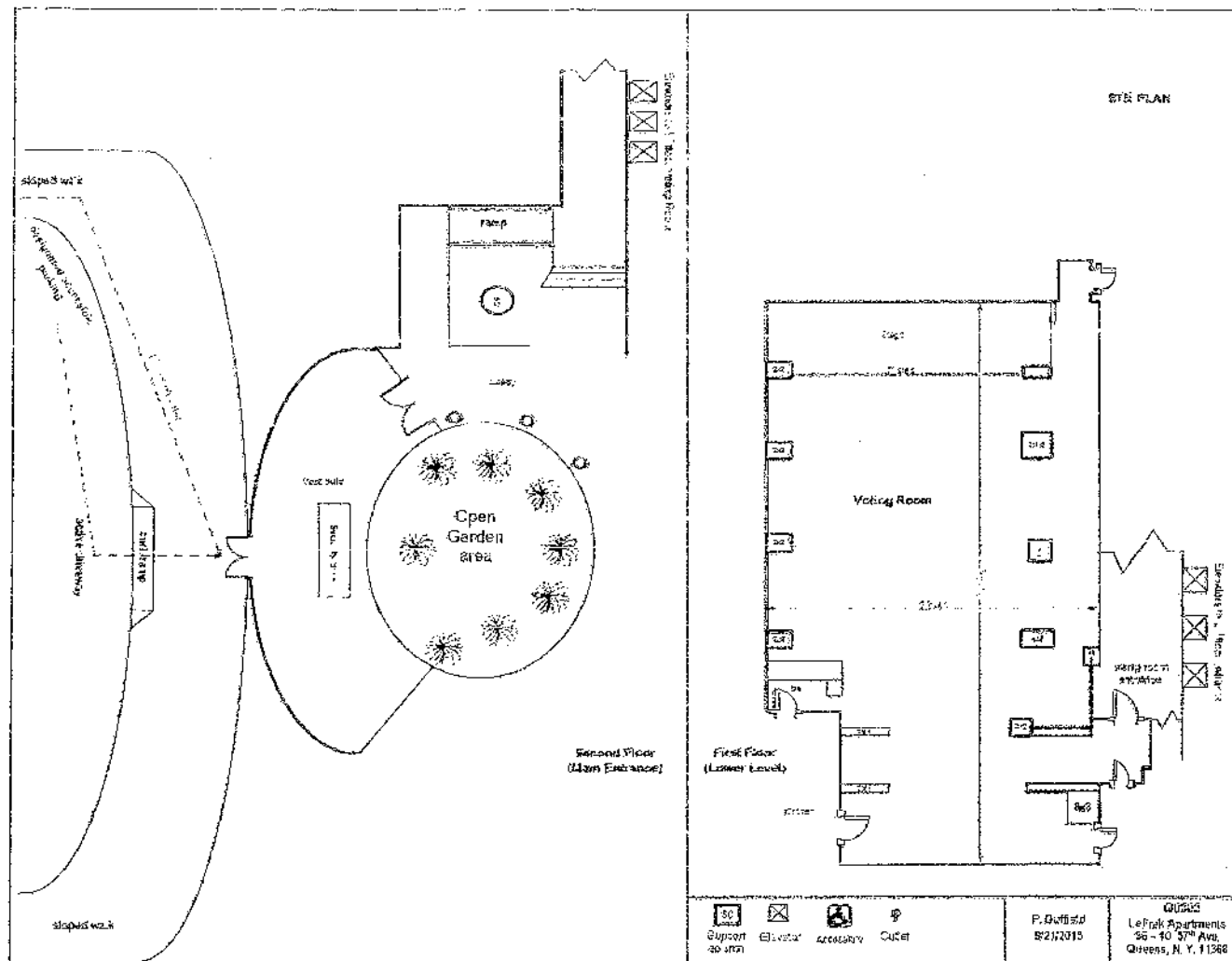
**Cane Detectable Element(s)**  
**Door Prop(s) and/or Accessibility Clerk(s)**  
**Portable Handrails**

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QUEENS  
Q06303

## Site Plan:

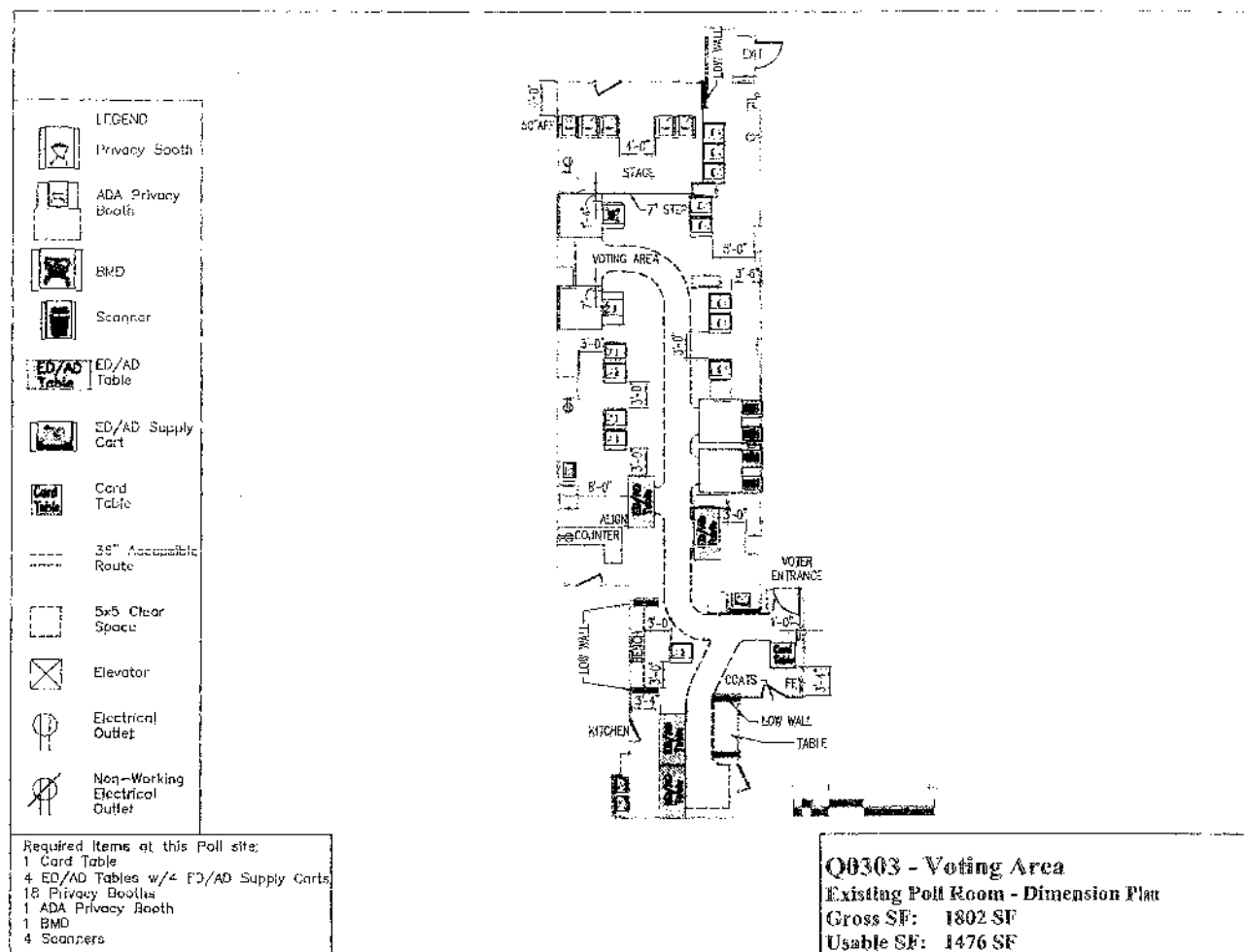


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QUEENS  
Q0303

Voting Area Equipment Drawing:

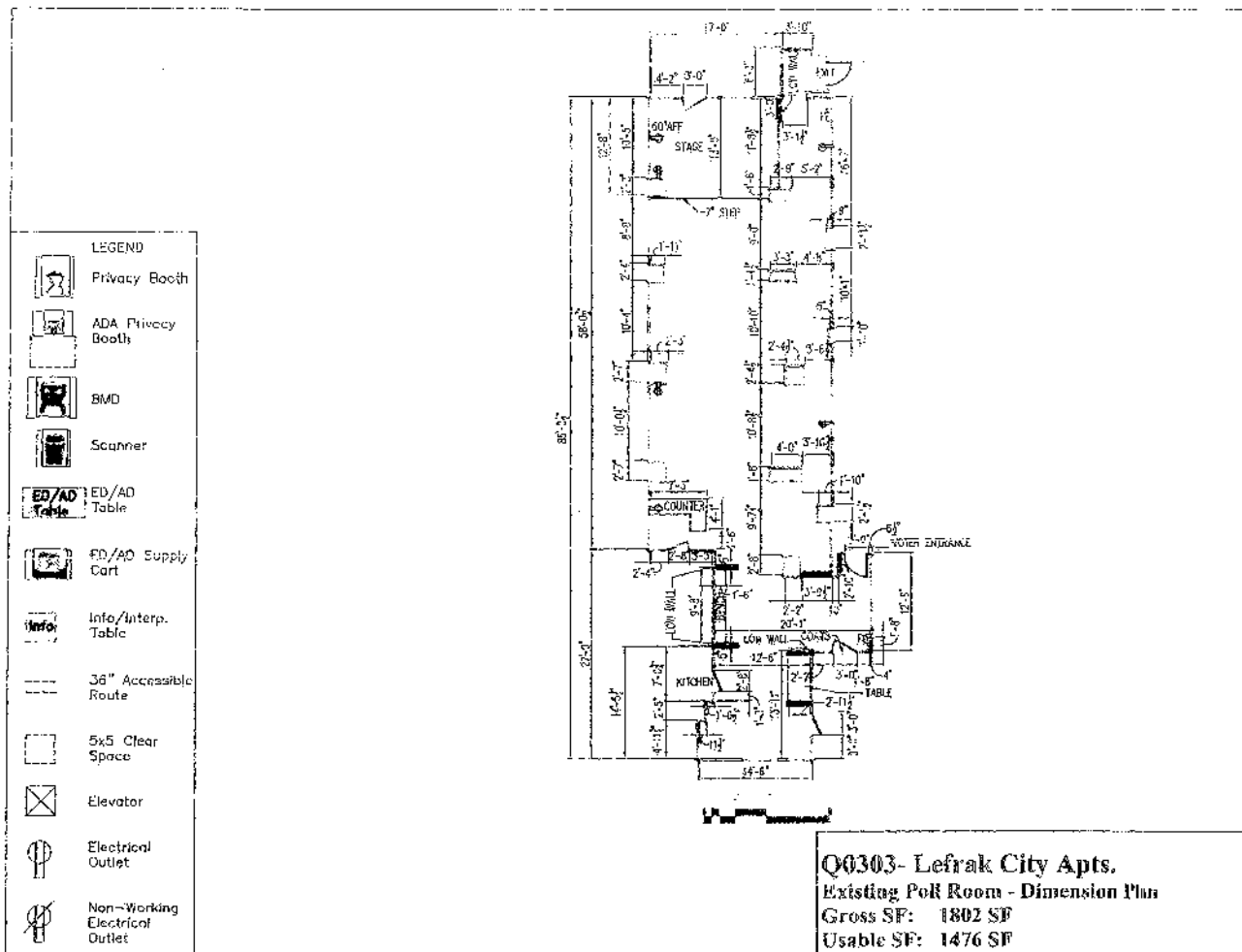


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Voting Area Room Dimension Drawing:



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### Surveyor's General Description:

This polling site is located on 57 Avenue at Junction Blvd. and is located within an apartment building. The polling site contains 1 public entrance of which 1 is or may be made accessible using temporary measures as outlined in this report. The accessible entrance is the same as the main entrance. There is no public parking available. The actual polling area is located in the Recreation Room of the building.

#### General Conditions

- All electrical outlets in the polling area tested satisfactorily.
- The main entrance and the accessible entrance are identical. No directional signage needed.
- The main entrance is located on the second floor and is accessed off of the walk following the active vehicular drive from the public right-of-way to the main entrance. The voting room is located on the first floor and is accessed from the second floor entrance by elevator. The main/voter entrance vestibule door has a controlled entry security device. There are 8 public metered parking spaces on the site with two designated accessible spaces.

#### Status of Accessibility

- Accessible with accessibility clerks.
- The voting area has protruding objects which can be resolved with cane detectable elements.
- The voting room door maneuvering clearance does not provide the required width.
- The accessible parking spaces do not provide accessible aisles and have excessive slope. No van accessible parking is provided.

### Surveyor's Summary of Barriers:

The numbers used in assigning barrier locations are based on the 1991 ADA codes and are created by the surveyors. The following categories, based on DOJ's ADA Checklist for Polling Sites, are included only if a barrier is identified for that respective category (Items preceded by \*\*\* are not part of the DOJ Polling Places Checklist):

#### Ramps

- Ramp handrails are missing on one or both sides of the ramp and/or are not continuous
- The slope of a ramp section exceeds 8.33% (1:12) - an existing ramp is allowed to have a slope of 10% (1:10) for a maximum rise of 6" and 12% (1:8) for a maximum rise of 3"

#### Doors

- The door is heavy and difficult to open
- The door maneuvering clearance is not compliant
- The main/voter entrance vestibule door has a controlled entry security device that will need to remain open or have security/accessibility clerk to open the door during voting hours.

#### Voting Area (including clear floor space and turning radius issues)

- There are protruding objects and/or headroom issues in the voting area

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**HOW TO READ THE REPORT:**

The following is a description of fields in the NYC BOE ADA Reports:

Facility Number:	NYC BOE Site Number is used as the Facility Number in the reports.
Facility	Name of the NYC BOE facility that was surveyed.
Item Number	A unique computer-assigned number that identifies each item in the database.
Surveyor Name	Name(s) of the surveyors.
Photo Number(s)	The numbers assigned to the photos that document the barrier.
USE Code	A code that identifies the primary users or control of the area where the barrier is located (COLOR indicates the outlined color used on the floor and/or site plans).  EXT Exterior areas GP General Public G Government-controlled exterior elements
DOJ Code	The DOJ codes parallel those listed in Section 36.304 of the Title III regulations. The Department of Justice gives suggested priorities for barrier removal where private entities have no other method of setting priorities.  The DOJ Code values are as follows:  1 Provide access to a place of public accommodation from public sidewalks, parking, passenger loading areas, and public transportation (exterior issues) 2 Provide access to those areas where goods and services are made available to the public (interior issues) 3 Provide access to restroom facilities 4 Other measures necessary to provide access to goods, services, facilities, etc. (such as telephones and drinking fountains) 5 Duplicate element (not required to be accessible) - used to provide program access - NOT used in this survey X Not applicable
Location Code	The floor number and room number where a barrier was found. The location code is in three parts, such as 01-05-1234. The "01" refers to the floor number of the building; the "05" refers to the form used in the ETA system, in this case "05" refers to "Interior Route"; the "1234" is a unique number to identify the barrier location on the floor plans and/or the site plan.
Location Description	Name of the room or area where the barrier was located. The location description is also in three parts, which expand on the meaning of the location codes, as in the example above, 01-05-1234. In this case the description would be stated as follows: FIRST FLOOR-INTERIOR ROUTE-MAIN ENTRANCE.
Access Code Reference	The ADA Standard that makes the barrier noncompliant.
Access Code Figure	An illustration from the ADA that supports or is part of the code reference.
Barrier Text	Description of how an element does not meet the requirement.
Existing Condition	The surveyor's measurements and/or description identifying a noncompliant element.
Subtitle Text	If applicable, a further definition or category of the barrier text.
Possible Solution Code	An alpha-numeric code used by the database to indicate the possible solution for the barrier.
Possible Solution Text	The surveyor's option for removing the barrier to the level required in an alteration project, or an instruction to refer to a related barrier's solution.
Surveyor Notes	Other descriptive or explanatory information from the surveyor.

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**NYC BOE ADA FINAL REPORT**

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Lead Surveyor Name	USE DOJ	Location Code & Description	Reference & Figure(s) #	Item Text Existing Condition Possible Solution Code Possible Solution Text Surveyor Notes (if applicable)
Philip Duffield	EXT 1	E-00-00 EXTERIOR SITE PHOTOS TO VOTER ENTRANCE		PHOTOS PHOTOS OF SITE, ALSO SHOWING COMPLIANT ITEMS <i>THIS IS INFORMATIONAL ONLY:</i> SOLUTION Code 1: S38A01q Each 1 Estimated Cost: \$0.00 Possible Solution: S02 SITE PHOTOS

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Q0303-0122





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Q0303-0105



Q0303-0107



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Q0303-0108



Q0303-0098



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Q0303

Q0303-0097



Q0303-0096



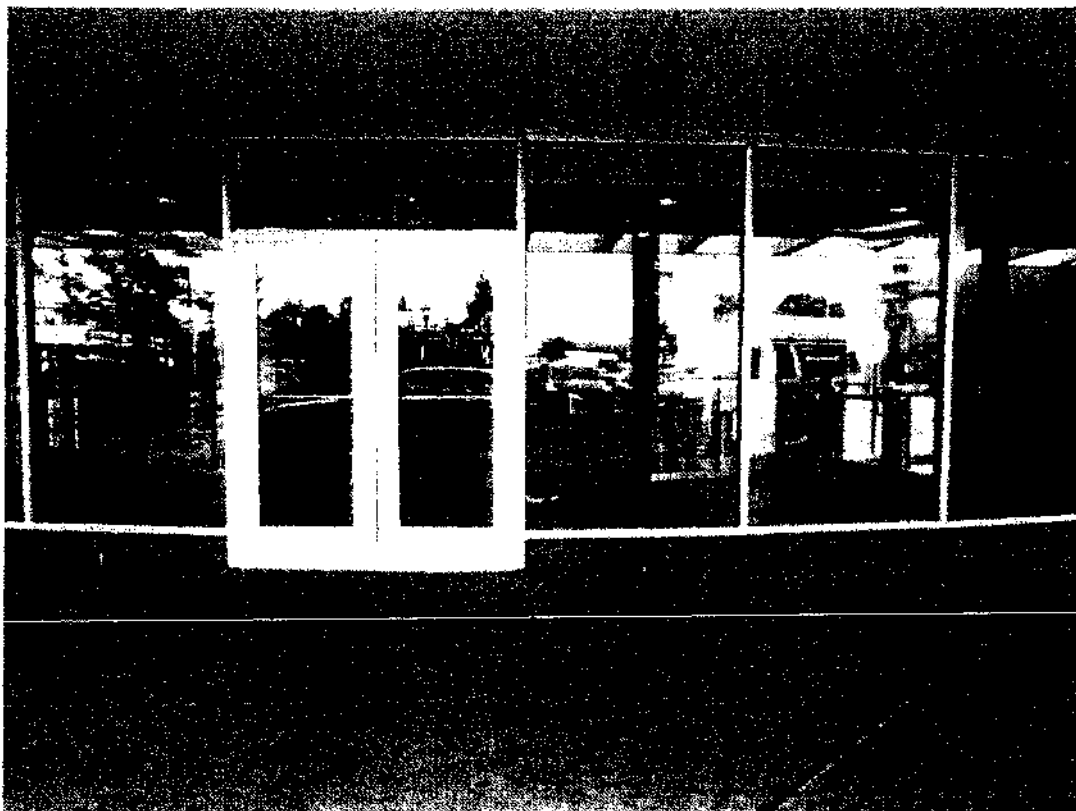


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Q0303

Q0303-0093



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# NYC BOE ADA FINAL REPORT

QUEENS  
Q0303

Lead Surveyor Name	USE DOJ	Location Code & Description	Reference & Figure(s) #	Item Text Existing Condition Possible Solution Code Possible Solution Text Surveyor Notes (if applicable)
Philip Duffield	EXT 1	E-01-01 EXTERIOR PARKING PUBLIC	4.1.2(5)(a) Table 4.1.2(5)(a)	<b>DRAWINGS and Photos</b> <b>PARKING DRAWING &amp; PHOTOS</b> <b>THIS IS INFORMATIONAL ONLY:</b> SOLUTION Code 1: S38A01d Each 1 Estimated Cost: \$0.00 Possible Solution: S01 PARKING DRAWINGS and photos

Notes from Surveyor: There are 10 metered parking spaces lining this active vehicular drive. 2 of them are marked as accessible with pole mounted and ground signage, 1 is required. This is the space adjacent to the accessible route to the main/voter entrance.

## Q0303 E-01-01 Parking A

**S01 - Parking Form - NYC - ETA 3640**  
**ADA Checklist for Polling Places (DOJ)**  
Date Surveyed: 9/25/16  
HASNO # 0103 Borough:   
Facility Name:   
Surveyor Name:   
Location of Parking:   
Surveyor Signature:   
Date: 9/25/16

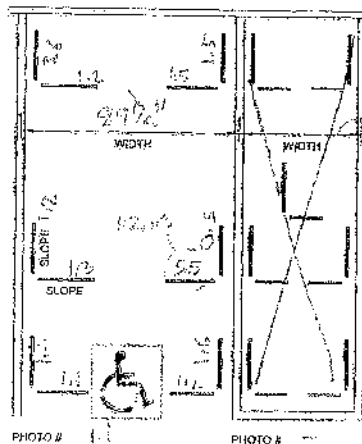
Total Parking In Lot	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20, plus 1 for each 100 over 1000

(001a) PARKING Drawing Name (HASNO): 1 Space 2  
Overall Photos (Parking with Building) 1 photo  
Accessible parking photos  
(Accessible parking & access aisle) 1 photo  
Overall Sign Photos 1 photo  
Detail Sign Photos 1 photo

(002) PARKING 10 Total spaces,  
1 Accessible required,  
1 Accessible marked,  
(including Van)  
Additional spaces req.

- (003) ACCESS AISLE provided Y/N  
(004) 60" Minimum Width 11/11 \* Wide access aisle  
(005) VAN SPACE 10/11 \* Van accessible provided  
(006) Access Aisle 96" (8') min.  
wide or 60" (5') min. wide  
(1) parking space 32" (13") min. wide  
Parking space width (8'-0" min.)  
(7'-0"-11'2" of space allowed) 10/11 \* Wide parking space  
(007) Slope height 28" min.  
Sufficient for wheelchair ramp 11/11 \* AS GRATE  
(008) SLOPE 2% max in spaces/  
access aisles (less than 3.3% allowed)  
Cannon by 20.5/11/11 (if appropriate)  
(009) SIGNAGE, is (ISA provided) Y/N  
(010) Is ISA visible when vehicle  
is parked in the space  
(60" min. ALT) Y/N  
(011) ROW TR, located on the shortest  
route to the entrance Y/N  
(012) Access aisle connected to an  
accessible route Y/N

Notes:



Space A Standard Space ☒ Van Space ☐

4: 2014 Evan Terry Associates, LLC, One Fairview Park South, Suite 1025, Bellerose, NY 11511 (516) 937-5100

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NYC BOE ADA FINAL REPORT

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Q0303

Q0303-0107



Q0303-0108



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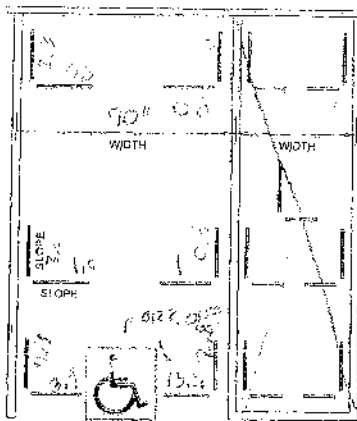
QUEENS  
Q0303

Q0303 E-01-02 Parking-B

S01 - Parking Form - NYC - ETA 3640  
ADA Checklist for Polling Places (DOJ)  
Date Surveyed: 9/22/15  
HABING a Rep: Rep: Q0303  
Facility Name: LeFrank City Apts  
Surveyor Name: Philip Duffield  
Location of Parking: 9610 57 Ave, Queens, NY 11368

Total Parking in Lot	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 250	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	25, plus 1 for each 100 over 1000

(01A) PARKING Drawing Name (eASNCs) \_\_\_\_\_ Scale \_\_\_\_\_  
Overall Photos (Parking with Building) \_\_\_\_\_  
Accessible parking photos \_\_\_\_\_  
(Accessible parking & access aisle)  
Overall Sign Photos (1-2-3-4) \_\_\_\_\_  
Public Sign Photos (1-2-3-4) \_\_\_\_\_  
(02) PARKING \_\_\_\_\_ Total spaces \_\_\_\_\_  
\_\_\_\_\_ Accessible required \_\_\_\_\_  
\_\_\_\_\_ Accessible required, (including Van) \_\_\_\_\_  
\_\_\_\_\_ Additional spaces req. \_\_\_\_\_  
(000) ACCESS AISLE provided Y/N \_\_\_\_\_  
(004) 6' minimum width \_\_\_\_\_ Width access aisle \_\_\_\_\_  
(003) VAN SPACE \_\_\_\_\_ & Van accessible provided \_\_\_\_\_  
(006) Access Aisle 95" (9') min. \_\_\_\_\_ Width access aisle \_\_\_\_\_  
width of 60" (5') min. width \_\_\_\_\_  
(If parking spaces 102" (11') min. width)  
Parking space width (8'-0" min.) \_\_\_\_\_  
(7'-10" to 12' or more allowed) \_\_\_\_\_ Width parking space \_\_\_\_\_  
(007) Clear height 94" min. \_\_\_\_\_ AF GAFF \_\_\_\_\_  
(008) SLOPE: 2% max in special \_\_\_\_\_ range from 2.5% to 12.5%  
access aisles (Less than 3.25% allowed)  
Caused by \_\_\_\_\_ (If appropriate)  
(009) SIGNAGE, Is TISA provided? Y/N \_\_\_\_\_  
(010) Is TISA visible when vehicle \_\_\_\_\_  
is parked in the space \_\_\_\_\_  
(60" min. AF)  
(011) ROUTE, located on the drawing \_\_\_\_\_  
route to the entrance \_\_\_\_\_  
(012) Accessible connection to \_\_\_\_\_  
accessible route \_\_\_\_\_  
Notes: \_\_\_\_\_  
\_\_\_\_\_



Space ☒ Standard Space ☒ Van Space ☐

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Q0303-0122





LEFRAK CITY APTS  
9610 57 Ave  
Queens, NY 11368

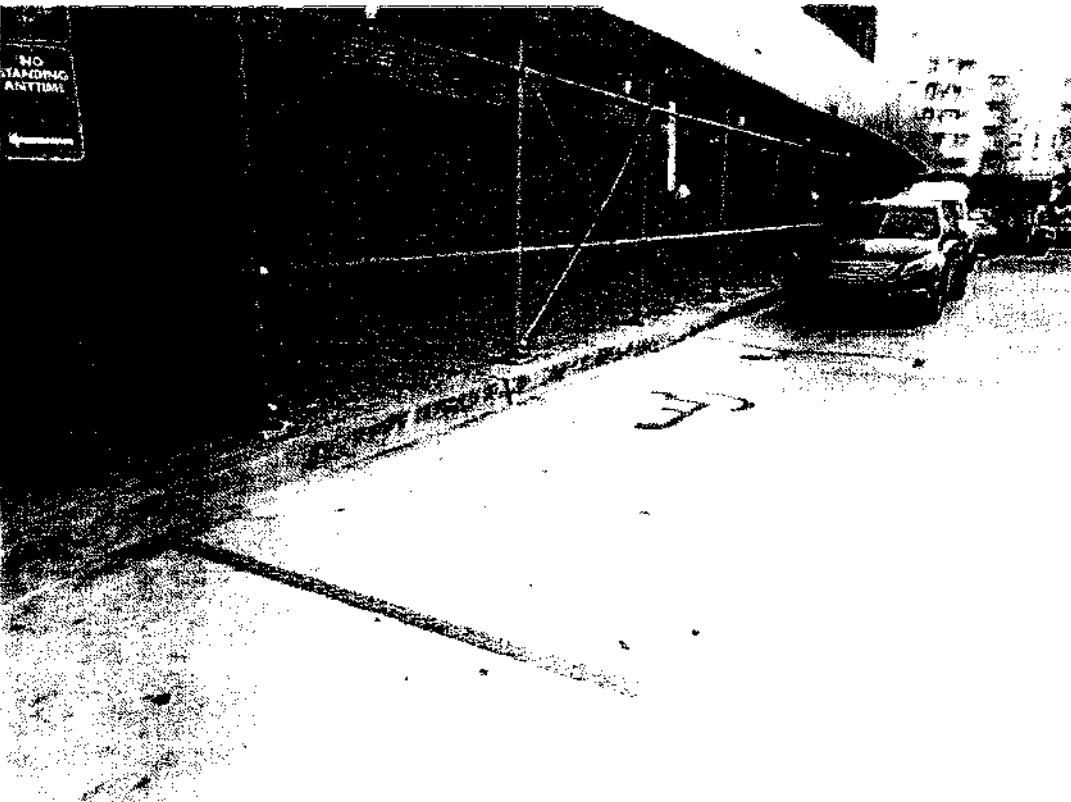
NYC BOE ADA FINAL REPORT

QUEENS  
Q0303

Q0303-0123



Q0303-0124



LEFRACK CITY APTS  
9610 57 Ave  
Queens, NY 11368

# NYC BOE ADA FINAL REPORT

QUEENS  
Q0303

Lead Surveyor Name	USE DOJ	Location Code & Description	Reference & Figure(s) #	Item Text Existing Condition Possible Solution Code Possible Solution Text Surveyor Notes (if applicable)
Philip Duffield	EXT 1	E-01-01 EXTERIOR PARKING PUBLIC	4.1.2(h)(b)	<p>Parking does not provide at least one van accessible parking space.</p> <p><b>NO VAN ACCESSIBLE PARKING IS PROVIDED</b></p> <p>SOLUTION Code 1: S38A3b Each 1 Estimated Cost: \$2,500.00</p> <p>Possible Solution: Re-stripe existing accessible and/or inaccessible parking spaces to provide the required number of van accessible parking spaces. Coordinate all accessible parking requirements: located on an accessible route, signage (ISA and VAN), compliant slope and cross slope, surface, etc. (also coordinate with state and local requirements). If re-striping reduces the total number of parking spaces, check zoning ordinance or other regulations for compliance with minimum requirements.</p>

Notes from Surveyor: There are 10 metered parking spaces lining this active vehicular drive. 2 of them are marked as accessible with pole mounted and ground signage, 1 is required. The spaces marked as accessible do not provide the required width to be van accessible. Neither space provides an access aisle and both have excessive slope.

Q0303-0107



LETRAK CITY APTS  
9610 57 Ave  
Queens, NY 11368

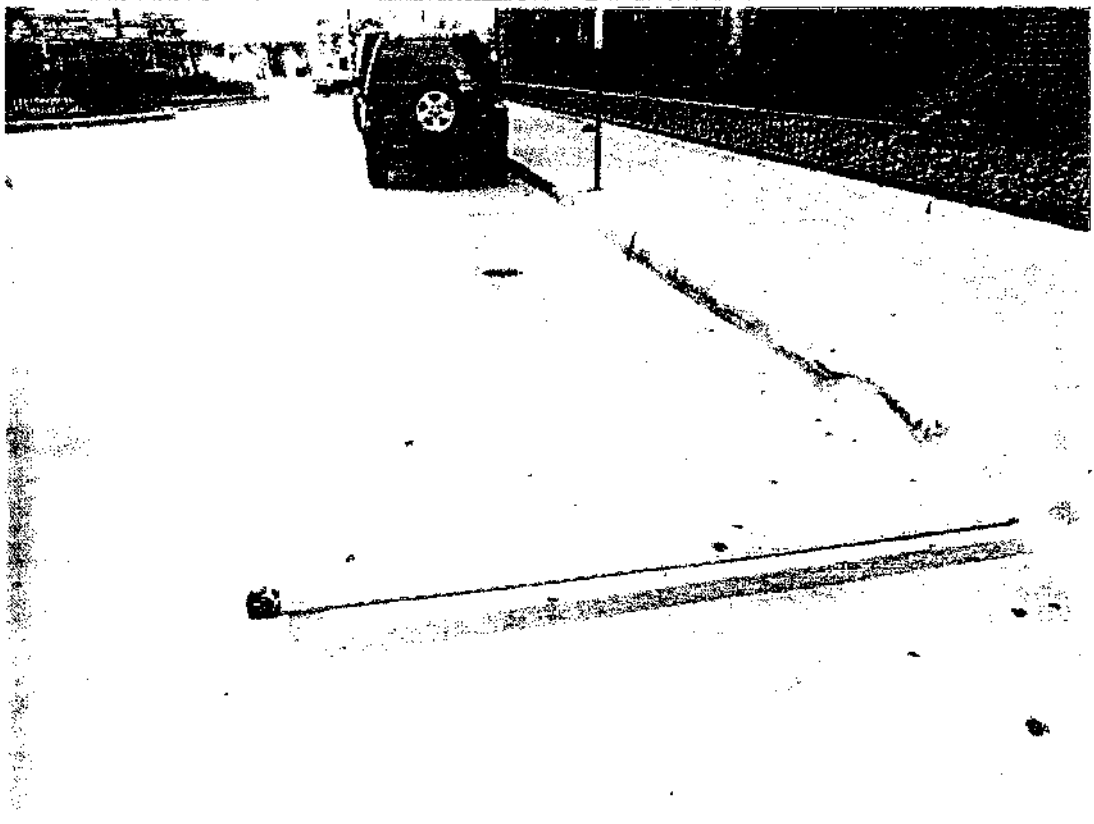
NYC BOE ADA FINAL REPORT

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Q0303-0108



Q0303-0109

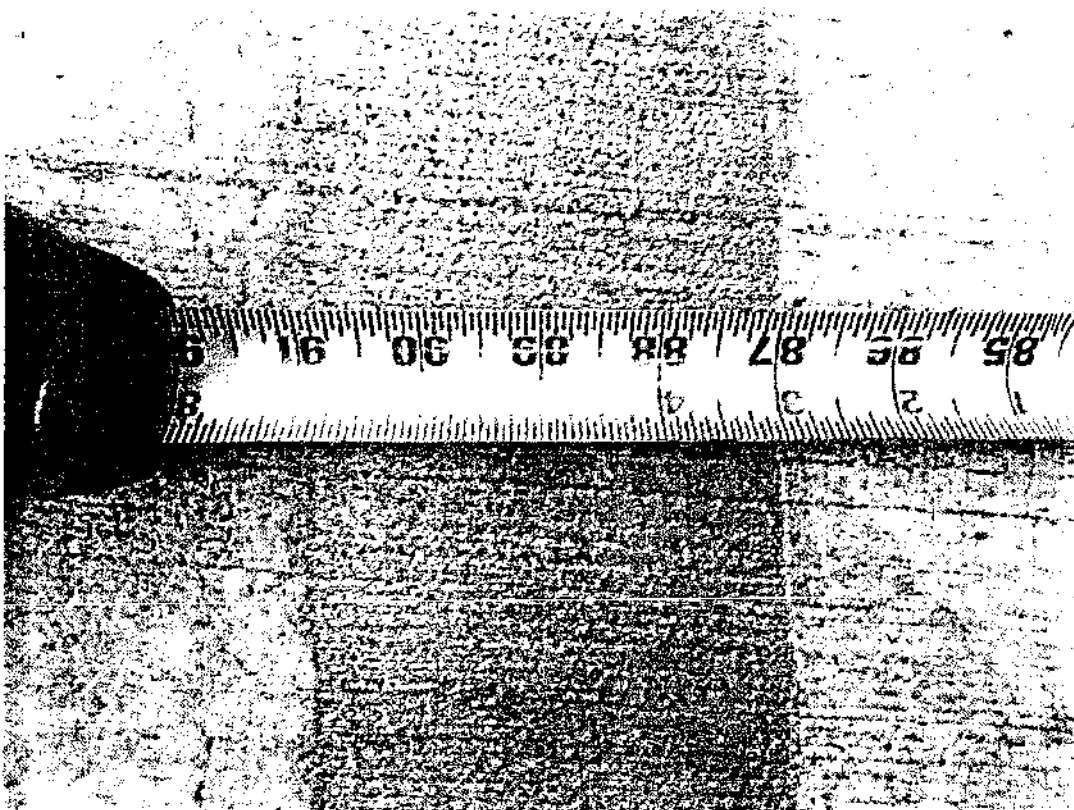


LEFRACK CITY APIS  
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QUEENS  
 Q0303

Q0303-0110



Q0303-0111





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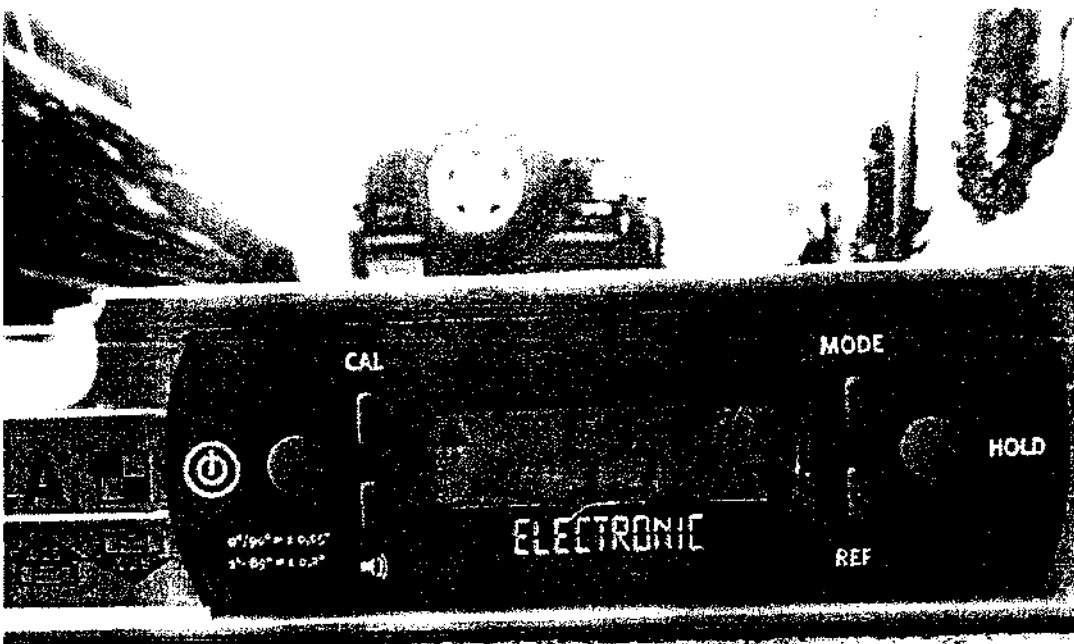
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QUEENS  
Q0303

Q0303-0112



Q0303-0113



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Queens, NY 11368

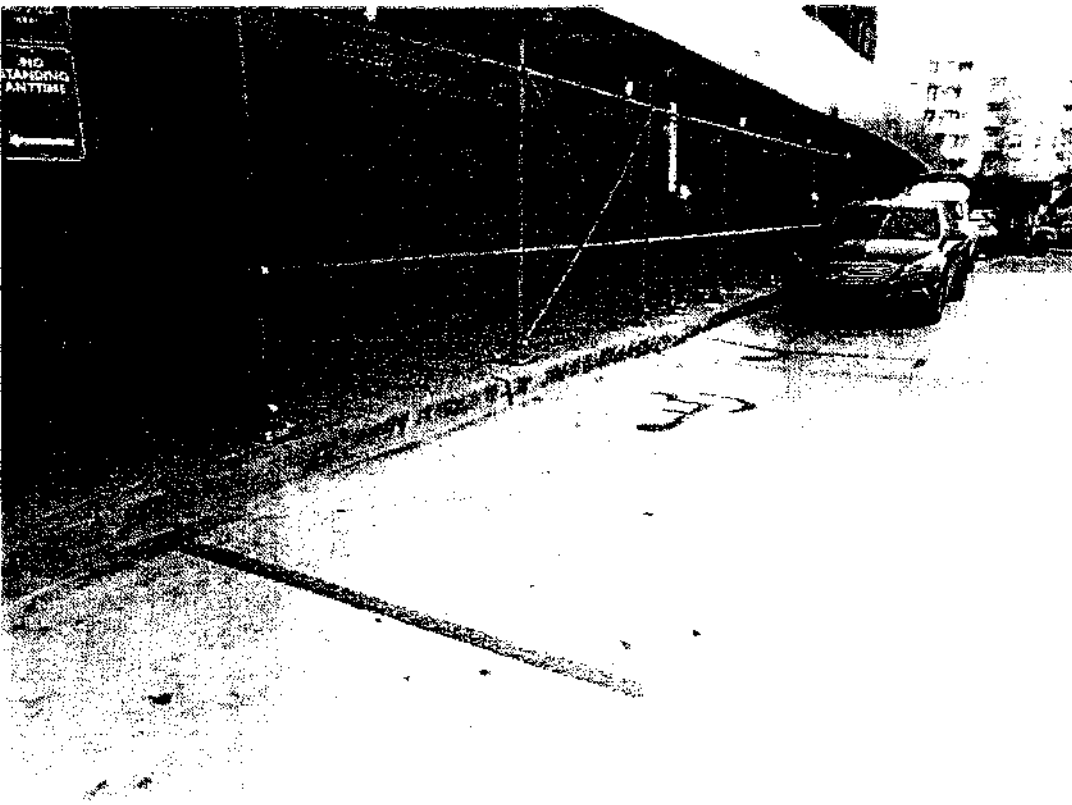
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Q0303-0124

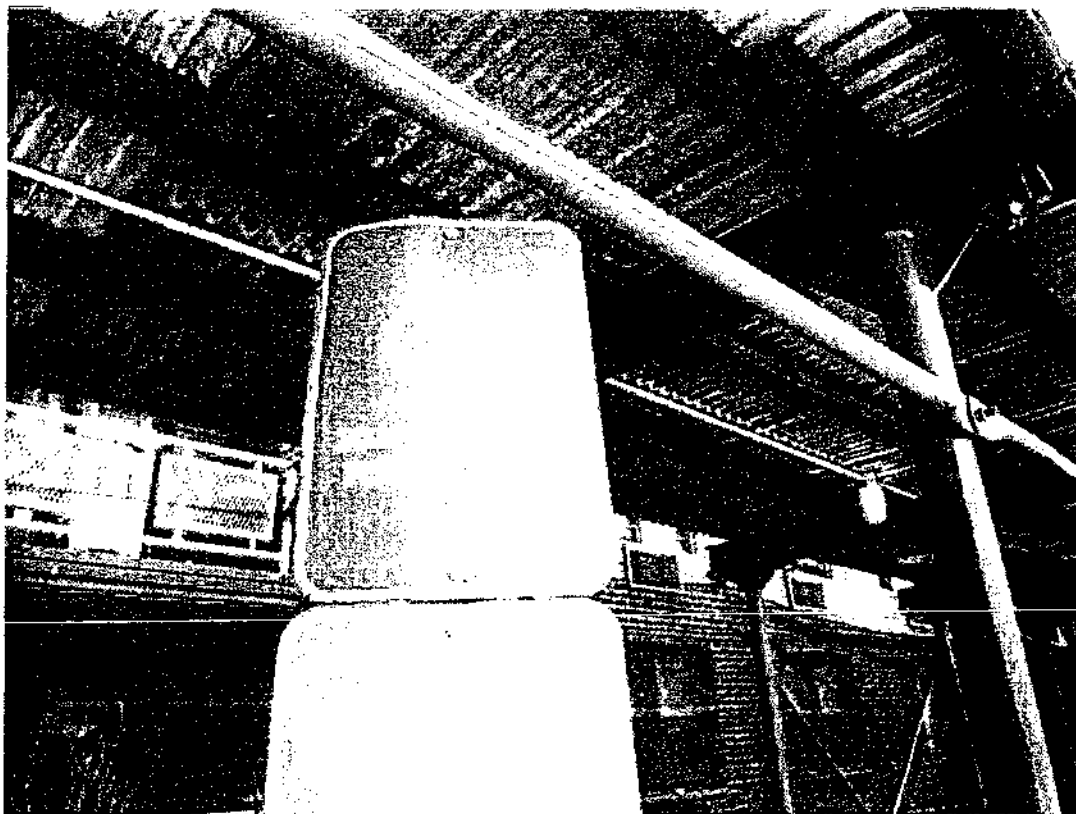


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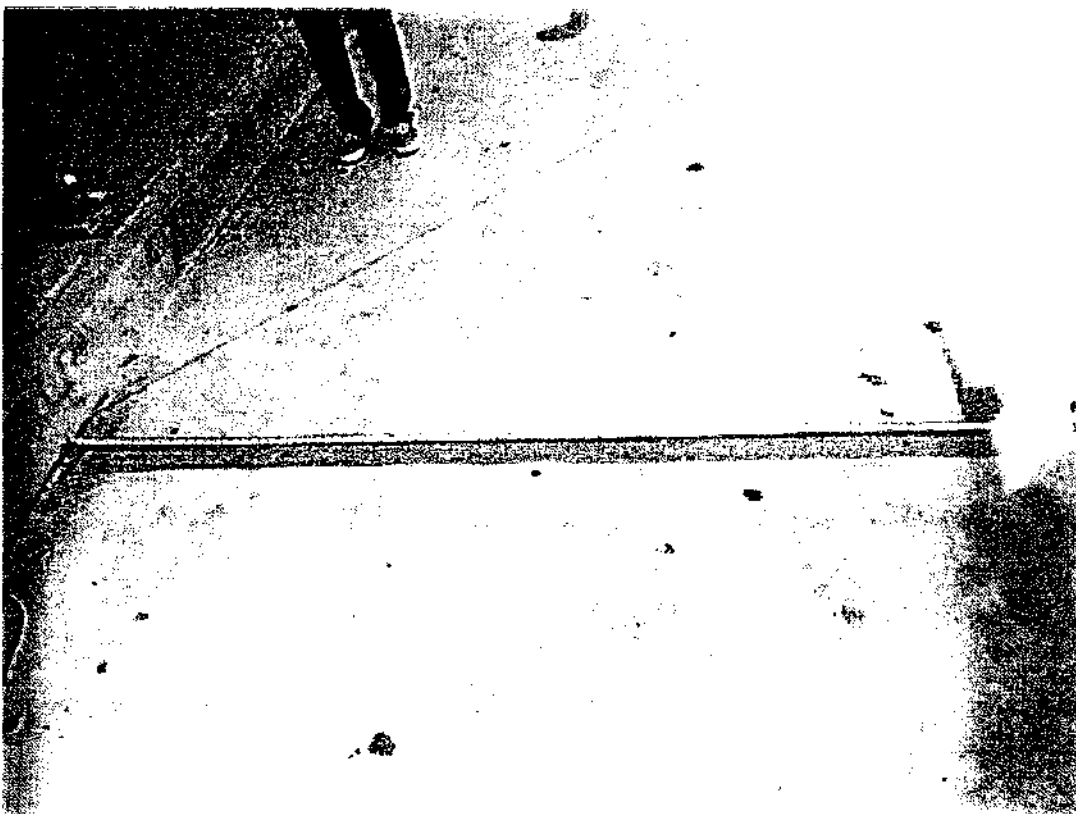
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Q0303-0125



Q0303-0126





LEFRAK CITY APTS  
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NYC BOE ADA FINAL REPORT

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Q0303

Q0303-0127



Q0303-0128



LEFRACK CITY APTS  
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**NYC BOE ADA FINAL REPORT**

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Q0303

Q0303-0129



LEFRACK CITY APTS  
9610 57 Ave  
Queens, NY 11368

NYC BOE ADA FINAL REPORT

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Lead Surveyor Name	USE DOJ	Location Code & Description	Reference & Figure(s) #	Item Text Existing Condition Possible Solution Code Possible Solution Text Surveyor Notes (if applicable)
Philip Duffield	EXT 1	E-03-02 EXTERIOR CURB RAMP TO SIDEWALK	4.7.1 Curb Ramp Types	<b>DRAWINGS and Photos</b> <b>CURB RAMP DRAWINGS &amp; PHOTOS</b> <b>THIS IS INFORMATIONAL ONLY:</b> <b>SOLUTION Code 1:</b> S38A01e Each 1 Estimated Cost: \$0.00 <b>Possible Solution: S01 CURB RAMP DRAWINGS and photos</b>

Notes from Surveyor: This is the curb ramp from the active vehicular drive and accessible parking up to sidewalk on the route to the main/voter entrance.

Q0303 E-03-01 Curb Ramp

<div><p>S03 - Curb Ramp Form - NYC - ETA 3640</p><p>1991 ADA Standards</p><p>Date Surveyed: 9/25/17</p><p>HASNO # 2134 Borough: QUEENS</p><p>Facility Name: LE FRACK CITY</p><p>Surveyor Name: PHILIP DUFFIELD</p><p>Location of Ramp: CURB RAMP</p></div> <div></div> <div><p>Notes:</p><p>Check List</p><p>PROJECT INTO TRAFFIC Y/N</p><p>OBSTRUCTED BY VEHICLES Y/N</p><p>RAMP WITHIN MARKED CROSSING Y/N</p><p>Diagonal</p><p>RETURN CURB PARALLEL TO PEDESTRIAN FLOW Y/N</p><p>48" CLEAR AT BOTTOM WITHIN MARKINGS Y/N</p><p>24" STRAIGHT CURB Y/N</p><p>Raised Islands</p><p>RAMP WITH 48" IN LEVEL AREA Y/N</p><p>OR CUT THROUGH Y/N</p><p>Surface</p><p>TRANSITION? HIGH Y/N</p><p>LANDINGS DESIGNED TO PREVENT WATER ACCUMULATION Y/N</p><p>JOINT / CRACK WIDTH 1/4" WIDE Y/N</p><p>1/4" DEEP Y/N</p><p>Detectable Warnings</p><p>PROVIDED Y/N</p><p>FULL WIDTH AND DEPTH CONTRAST Y/N</p><p>Rise</p><p>1:5 Y/N</p><p>Stops</p><p>FLARED Y/N</p><p>RETURNED Y/N</p><p>PROTECTED Y/N</p><p>Landing</p><p>LANDING LENGTH 48" MINIMUM AT TOP Y/N</p><p>6/2014 Evan Terry Associates, P.C. (202) 872-9100</p></div>
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LEHRAK CITY APTS  
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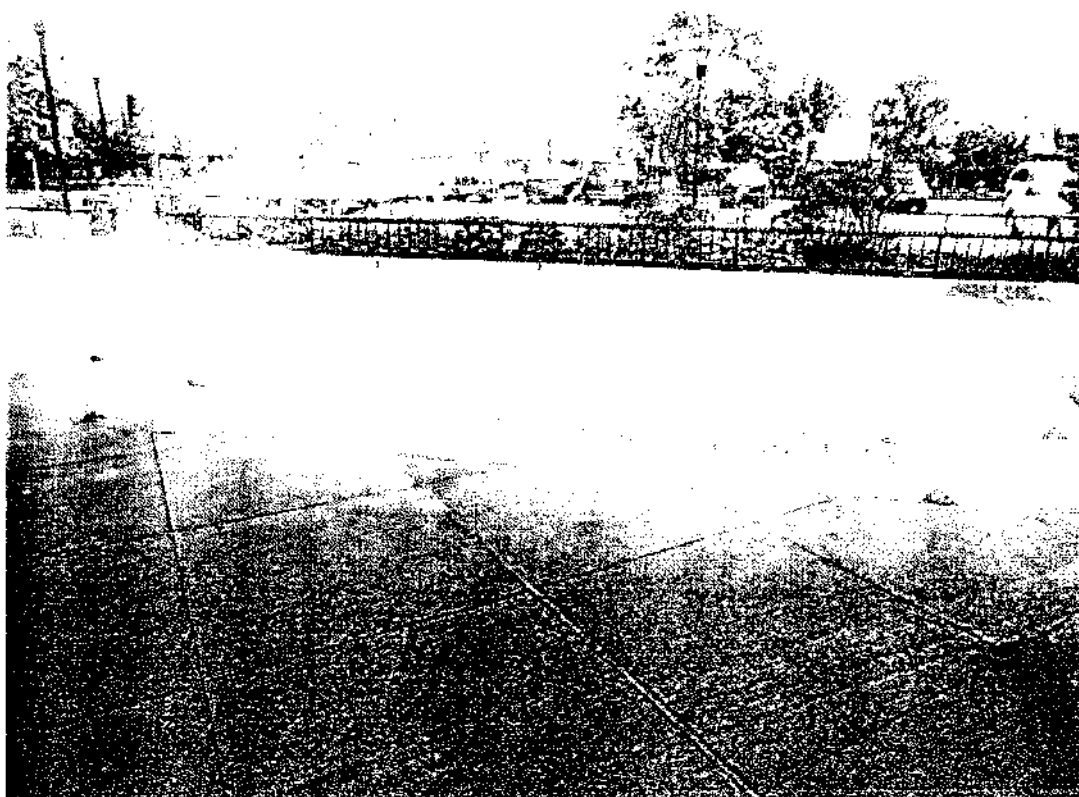
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Q0303-0117





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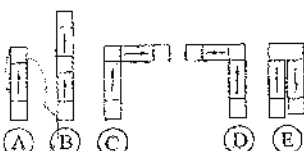
Lead Surveyor Name	Excavation Code & Description	Reference & Figure(s) #	Possible Solution Text	Surveyor Notes (if applicable)
Philip Duffield	EXT 1 E-04-01 EXTERIOR RAMP TO MAIN ENTRANCE	4.8.2  16	<b>DRAWINGS and Photos</b> <b>RAMP DRAWING &amp; PHOTOS</b> <b>THIS IS INFORMATIONAL ONLY:</b> SOLUTION Code 1: S38A01f Each 1 Estimated Cost: \$0.00	

**Notes from Surveyor:** This is the ramp from the level of the public sidewalk up to the drive sidewalk leading to the main/voter entrance.

Q0303 E-04-01 Ramp

504 - Ramp Form - NYC - FTA 3640  
 ADA Checklist for Polling Places (2001)  
 Date Surveyed: 11-11-05  
 HASNO # 6572, Borough: 1  
 Facility Name: 1st St. Sch.  
 Surveyor Name: Robert J. [unclear]  
 Location of Ramp: 1st St. Sch.  
 [unclear]

Notes:



☐ F (OTHER)

Ramp Configuration Types  
Select one: 3

USE ONE FORM FOR RAMP SEGMENT			
WIDTH OF LANDINGS (between handrails)			
WIDTH OF RAMP (between handrails)			
TOP OF RAMP (ELEVATION) _____	SLOPE _____ 1:1	SLOPE _____ 1:1	RAMP UP _____
LENGTH OF RAMP RUN _____	SLOPE _____ 1:1	SLOPE _____ 1:1	
BOTTOM: ATEN (ELEVATION) _____	SLOPE _____ 1:1	SLOPE _____ 1:1	
WIDTH OF LANDINGS 71-0"			

Ramp Segment 1 of 1

- [illegible]

LEFRACK CITY APTS  
9610 57 Ave  
Queens, NY 11368

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QUEENS  
Q0303

Q0303-0099



Q0303-0100

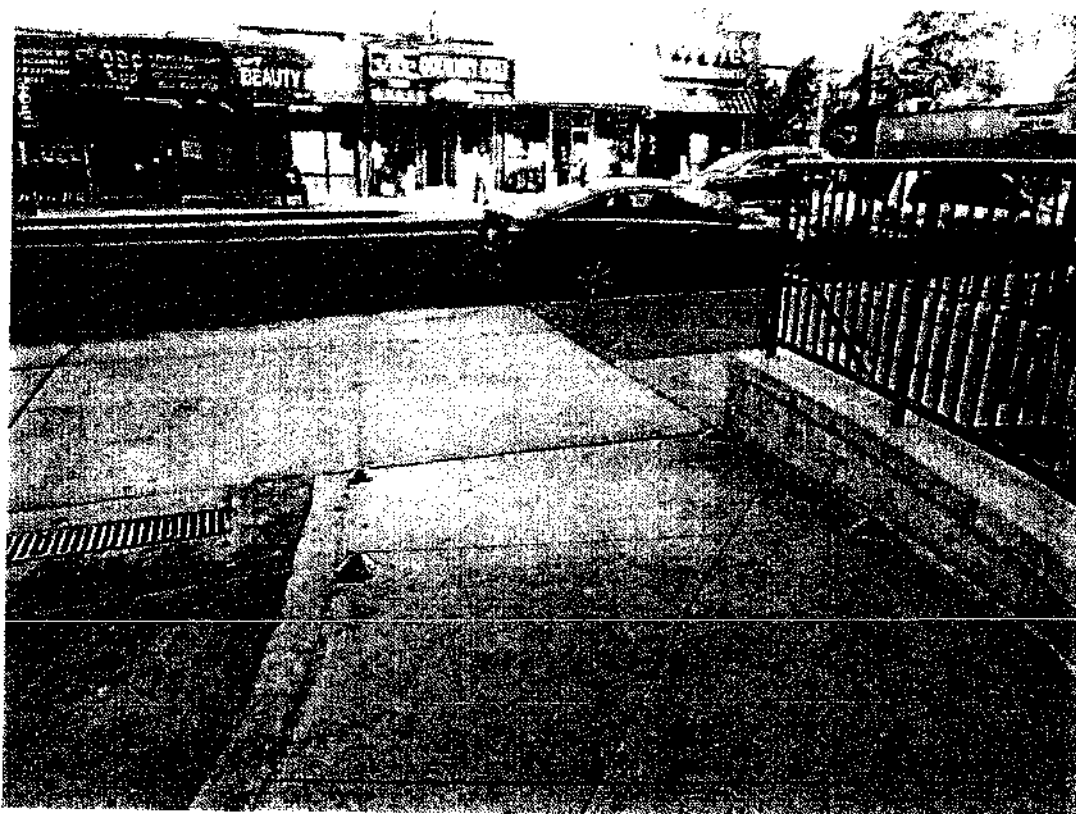


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Q0303-0101





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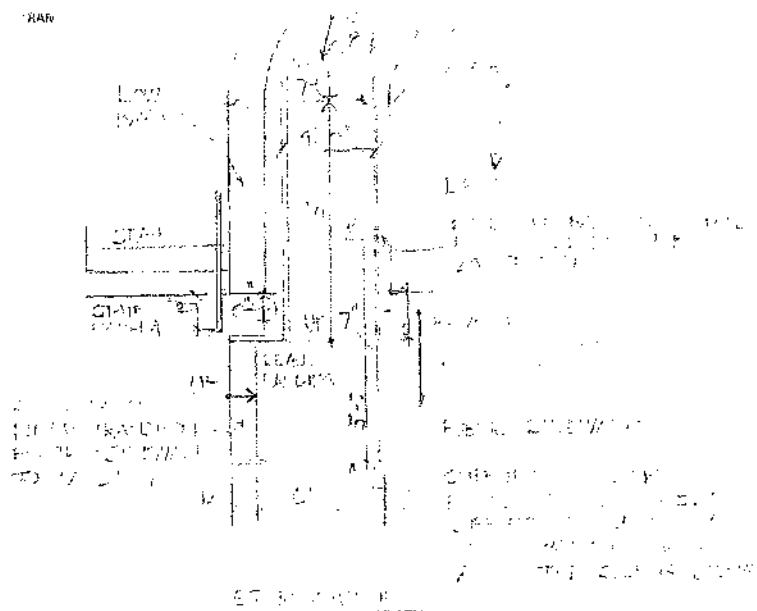
NYC BOE ADA FINAL REPORT

QUEENS  
Q0303  
EWLEPTS-6191

Item #	USE	Location Code & Description	Reference & Figure(s) #	Item Text Existing Condition Possible Solution Code Possible Solution Text Surveyor Notes (if applicable)
EWLEPTS-6191 Philip Duffield	EXT 1	E-04-01 EXTERIOR RAMP TO MAIN ENTRANCE	4.8.5	Ramp with a rise greater than 6" requires handrails on both sides of ramp. <b>HANDRAILS REQUIRED BUT ARE NOT PROVIDED</b>  SOLUTION Code 1: S38FF2c Lin. Ft. 11 Estimated Cost: \$16,442.14 <b>Possible Solution: Provide portable ramp to be placed over existing ramp surface. Coordinate handrails, edge protection and protruding object requirements.</b>  SOLUTION Code 2: S38F0e Lin. Ft. 11 Estimated Cost 2: \$16,442.14 <b>Possible Solution 2: Remove existing ramp and install compliant ramp with slope no greater than 1:12 (8.33%). Coordinate with requirements for cross slope, landings, handrails, and edge protection except if slope becomes 5%, ramp requirements do not apply.</b>

Notes from Surveyor: This is the section of walk along the active vehicular drive in the egress direction where it meets the public sidewalk. The ramped portion has 7" of rise lacks edge protection and does not provide handrails. There appears to be room to install a compliant ramp at this location.

Q0303 DCS 1



ADDRESS	9610 57 AVE.	Ben Terry Associates Borough Park, AL 32810
SITE NAME	LEFRAK CITY APTS	ETAP 5640
SURVISORS	THOMAS CIESIELSKI, PHIL DUFFIELD	MOBILE (773) 517-7306
DATE	9/15/2015	
BOROUGH	Queens, Queens, Queens, Queens, Queens	
HASNO #	Q0303	

(HASNO#) Q0303 BOE DIMENSIONED CONCEPTUAL SOLUTION Sheet 1 of 2

See attached  
Any Note Sheet(s)

LEFRACK CITY APTS  
9610 57 Ave  
Queens, NY 11368

## NYC BOE ADA FINAL REPORT

QUEENS  
Q0303  
EWLEPTS-6191

Q0303 DCS 2

### TEMPORARY RAISES

1. The maximum running slope of a ramp must be 1:12 (8.33%) at every point along the ramp run. The maximum cross slope of a ramp at every point must be no more than 1:50 (2%).
2. The maximum rise of a ramp run must be 30 inches.
3. If existing, space limitations of the site prohibit the use of a 1:12 slope or less, a ramp may have a maximum slope of 1:10 for a maximum rise of 6 inches or a maximum slope of 1:8 for a maximum rise of 3 inches.
4. The minimum clear width of a ramp must be 36 inches measured between handrails and edge protection.
5. The surface of the ramp must be slip-resistant.
6. The ramp must have a level landing (2% slope maximum in all directions) at the top and bottom of each run.
7. The landing must be at least as wide as the widest ramp run leading to it. The landing length must be 60 inches clear or more.
8. If the ramp changes direction at a landing, the minimum landing size must be 60 inches by 60 inches clear of all obstructions, including handrail extensions.
9. If the ramp rises more than 6 inches, it must have handrails on each side of the ramp.
10. If the handrails are not contiguous, the horizontal surface at the top of the handrail must extend at least 12 inches beyond the top and bottom of the ramp run. Handrail extensions must be returned to a wall, guard, or the landing surface, or shall be continuous to the handrail of an adjacent ramp run.
11. Handrails must be parallel with the ramp surface.
12. The top of the handrail gripping surface shall be 34 inches minimum and 38 inches maximum above the ramp surface.
13. Handrails and any surfaces adjacent to them shall be free of sharp or abrasive elements. Handrail edges shall be rounded.
14. The ramp shall be located so that there is at least 1-1/2 inches of clear space between a handrail and a wall.
15. Handrail gripping surfaces shall be continuous along their length and shall not be obstructed along their tops or sides. The bottoms of handrail gripping surfaces shall not be obstructed for more than 20 percent of their length. Where provided, horizontal projections shall occur 2% inches minimum below the bottom of the handrail gripping surface.
16. The outside diameter of a circular handrail must be between 1-1/2 and 2 inches. Handrails with equivalent graspability may be used if the maximum cross section dimension in any direction does not exceed 2.25" and the circumference is between 4" and 6.25".
17. Ramps and landings that have vertical drop-offs exceeding 16" within 10" horizontally of the ramp or landing surface must have a curb or barrier for edge protection that prevents the passage of a 6" diameter sphere, where any portion of the sphere is within 4 inches of the finish floor or ground surface.
18. Landings subject to wet conditions shall prevent the accumulation of water.

DATE	9 / 26 / 2015	STREET NAME	LEFRANK CITY APTS	ADDRESS	8810 57 AVENUE	PHONE	ETAP 15640	Room Very Important:
BOROUGH Berona, Brampton, Markham, Concord, Glendon Island								
HASNO# Q0303								

(NAME) \_\_\_\_\_ BOE DIMENSIONED CONCEPTUAL SOLUTION \_\_\_\_\_ Sheet 2 of 2

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Q0303-0098



LEFRAK CITY APIS  
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QUEENS  
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Q0303-0099



Q0303-0100



LEFRAK CITY APTS  
9610 57 Ave  
Queens, NY 11368

NYC BOE ADA FINAL REPORT

QUEENS  
Q0303

Lead Surveyor Name	USE DOJ	Location Code & Description	Reference & Figure(s) #	Items Text Existing Condition Possible Solution Code Possible Solution Text Surveyor Notes (if applicable)
Philip Duffield	GP 2	01-05-38 1ST FLOOR INTERIOR ROUTE VOTING AREA		PHOTOS VOTING AREA PHOTOS <i>THIS IS INFORMATIONAL ONLY:</i> SOLUTION Code 1: S38A01b Each 1 Estimated Cost: \$0.00 Possible Solution: S05 VOTING AREA PHOTOS

Q0303-0019





LEFRACK CITY APTS  
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Q0303

Q0303-0020



Q0303-0021

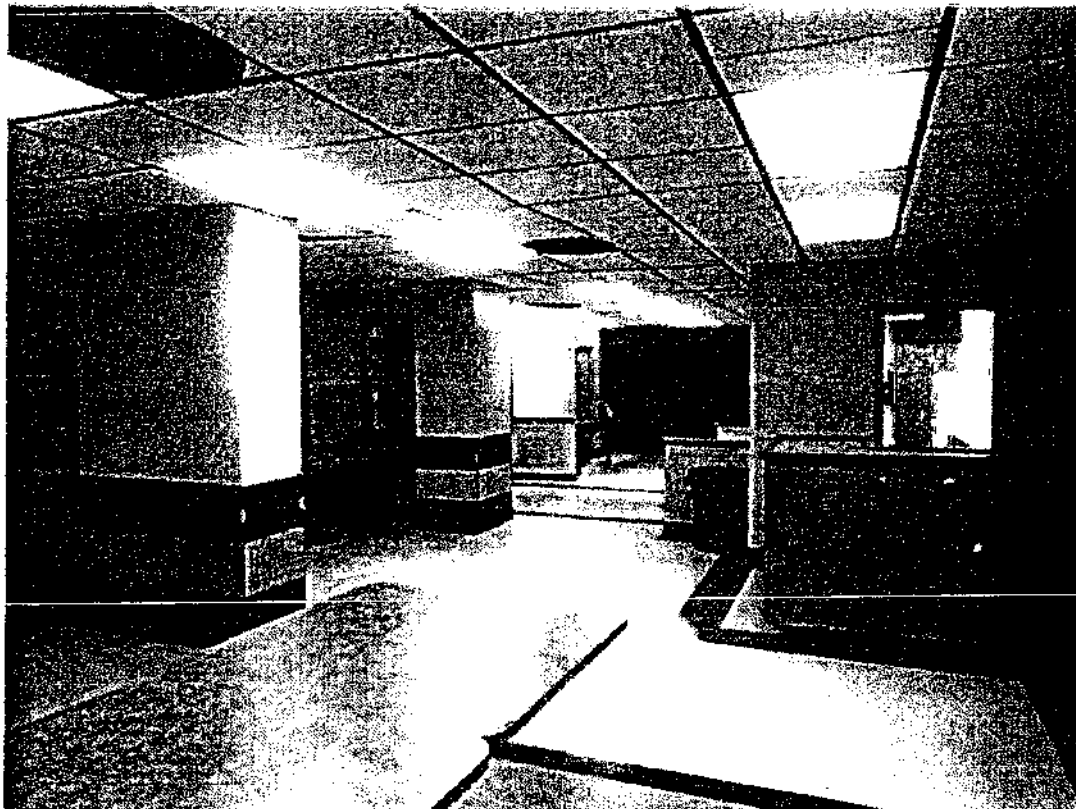


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Q0303-0022



Q0303-0023





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Queens, NY 11368

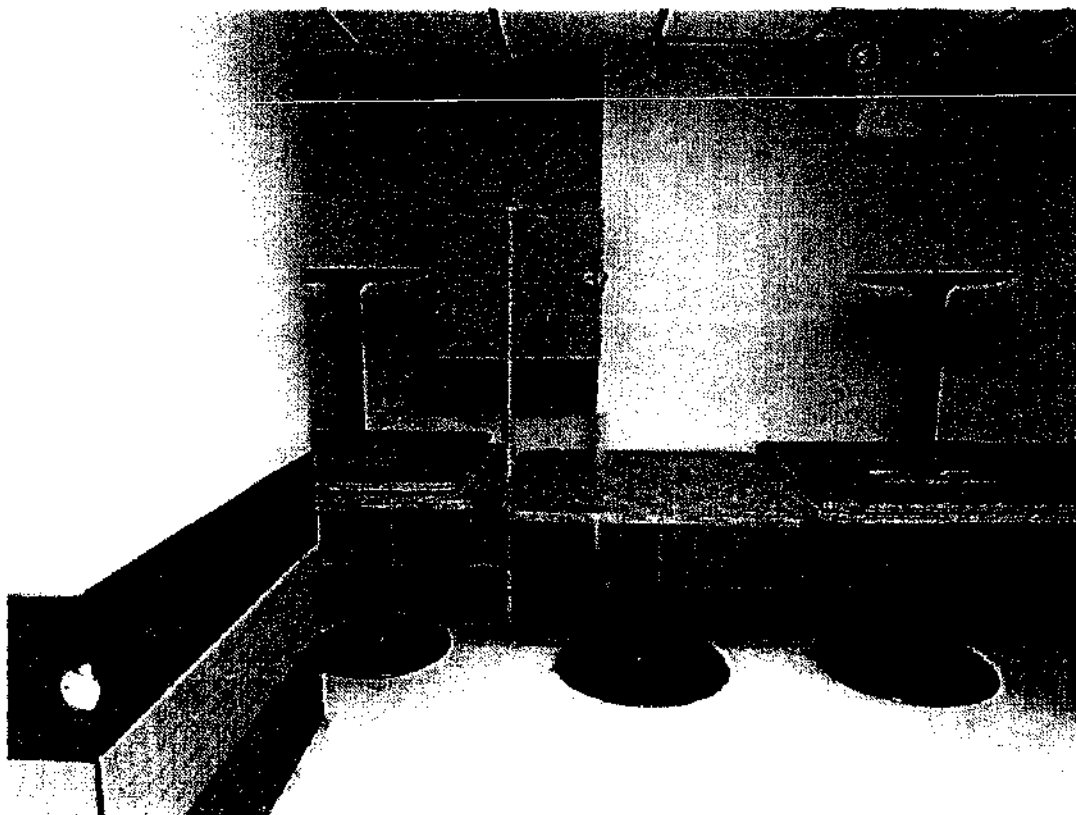
# NYC BOE ADA FINAL REPORT

QUEENS  
Q0303  
EWLEPTS-6180

Item # Lead Surveyor Name	USE DOJ	Location Code & Description	Reference & Figure(s) #	Item Text Existing Condition Possible Solution Code Possible Solution Text Surveyor Notes (if applicable)
EWLEPTS-6180 Philip Duffield	GP 2	01-05-36 1ST FLOOR INTERIOR ROUTE VOTING AREA	4.4.1 8(a-e)	Protruding object with leading edge between 27" and 86" AFF projects more than 4" from wall or 12" from post: <b>WALL BOX PROJECTS 11.5" AND 21.5" AT 45.75" AFF</b> <b>SOLUTION Code 1:</b> S38E0g Each 1 Estimated Cost: \$10.00 <b>Possible Solution:</b> Place a detectable object on the floor below each object which may remove the hazard for election day. <b>SOLUTION Code 2:</b> S38F0a Each 1 Estimated Cost 2: \$780.00 <b>Possible Solution 2:</b> Relocate, remove OR construct or add a cane-detectable feature with lowest edge - 27" AFF under protruding object to direct blind or vision-impaired individuals around protruding object. If item is required to be accessible, comply with reach ranges, clear floor space, etc.

**Notes from Surveyor:** This box is located in a corner with a leading edge 25.75" from the wall. It is a protruding object in both directions of travel. It is protected by stored tables at the time of the survey. Ensure that the table or another detectable element is in place if this corner is on a path of travel on voting day.

Q0303-0048



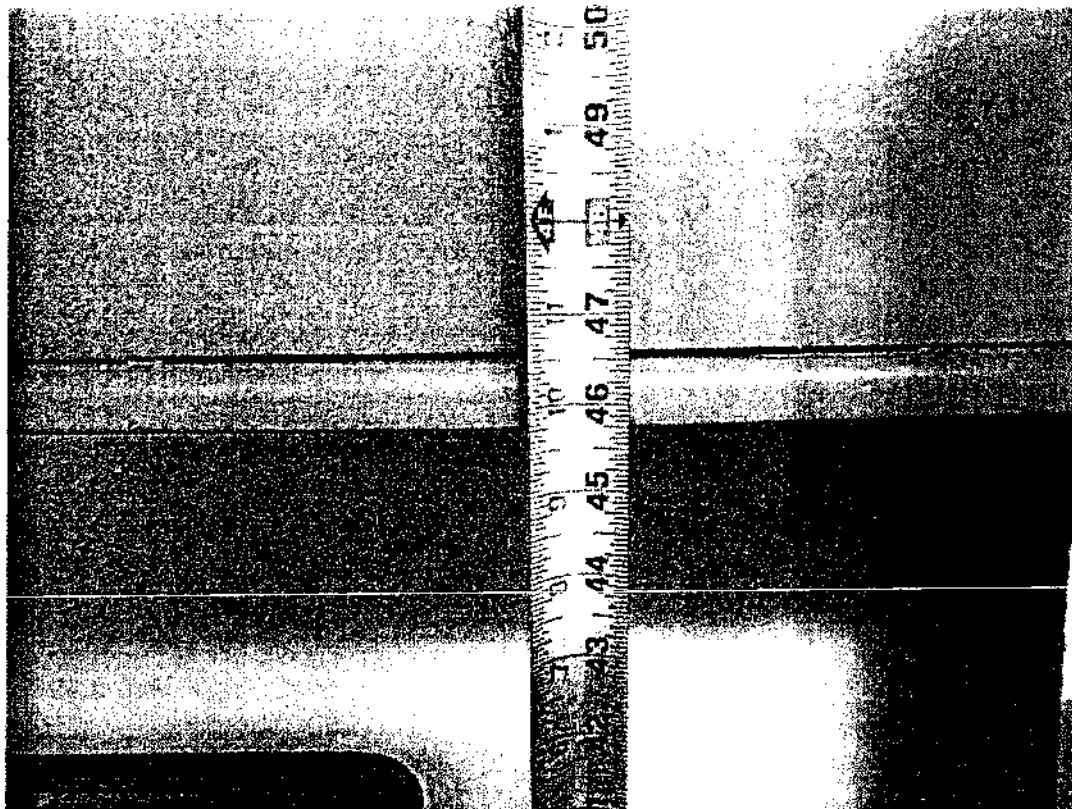


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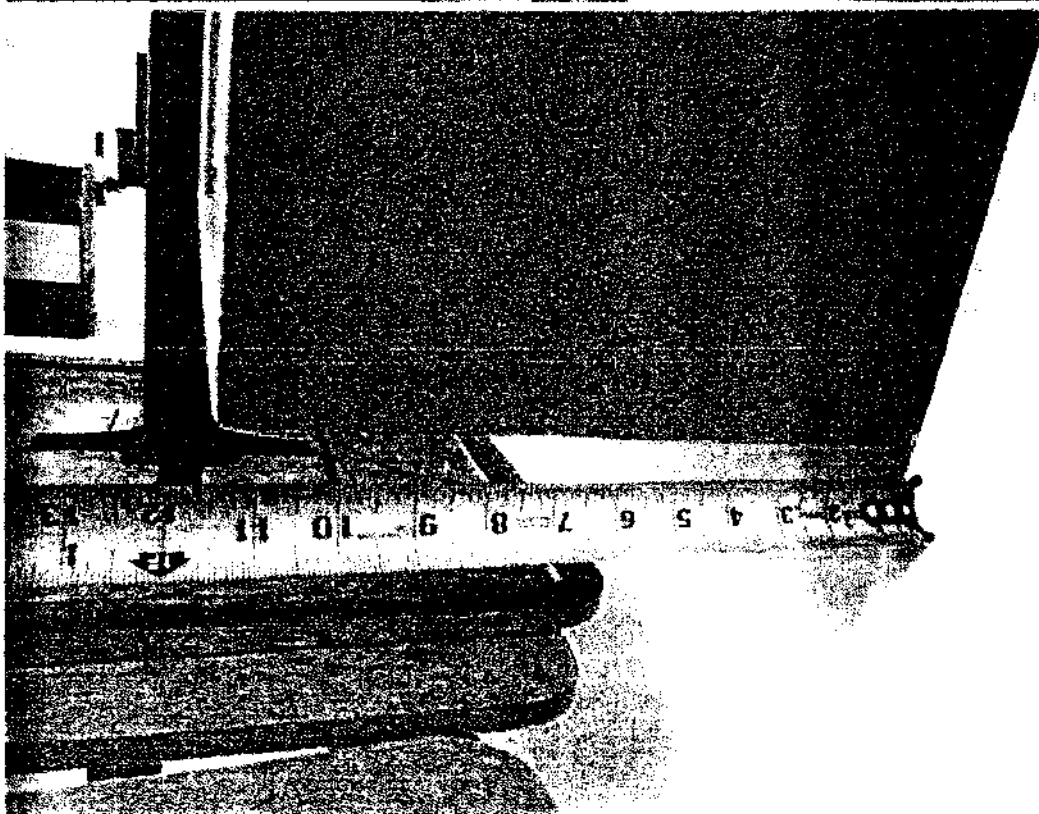
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Q0303-0050

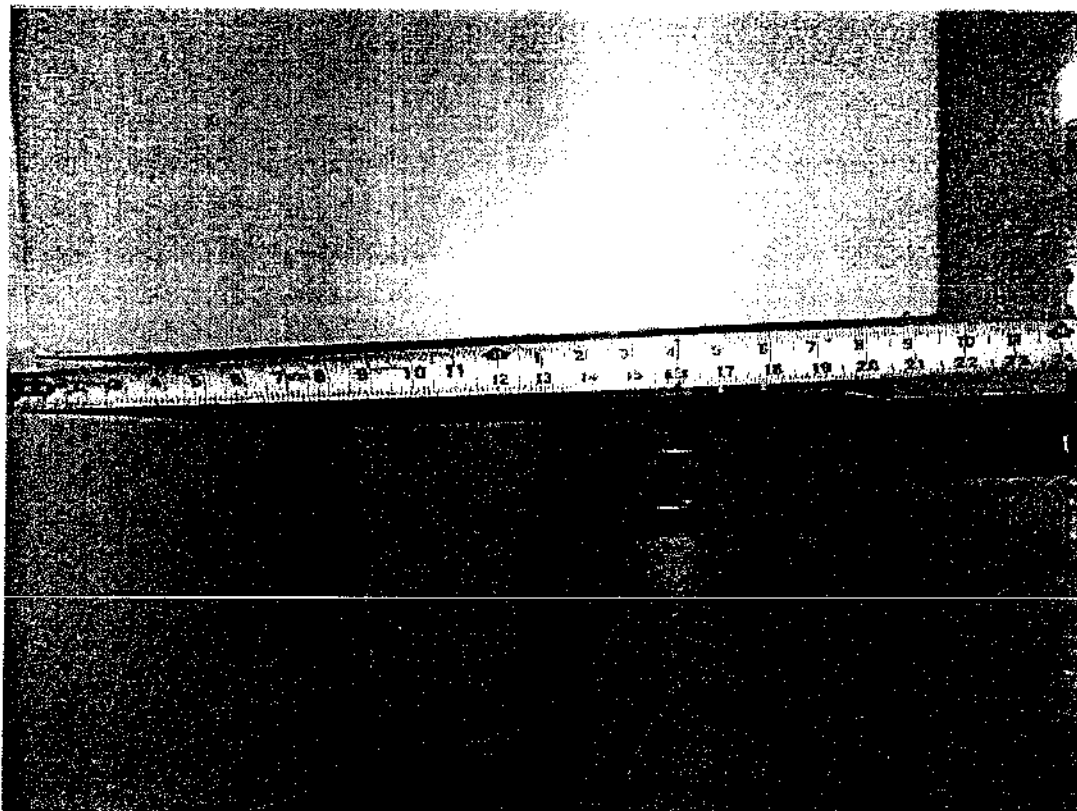


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QUEENS  
Q0303  
CWLEPTS-6160

Q0303-0051



Q0303-0052

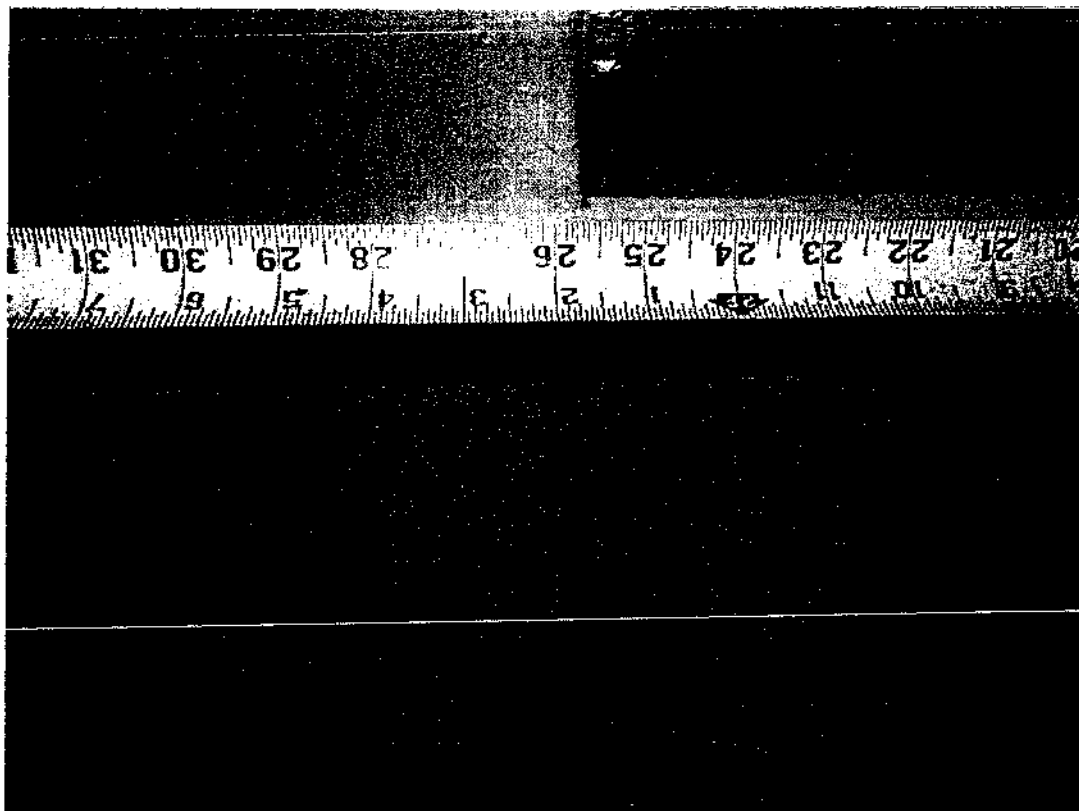


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HWLEPTS-6180

Q0303-0053





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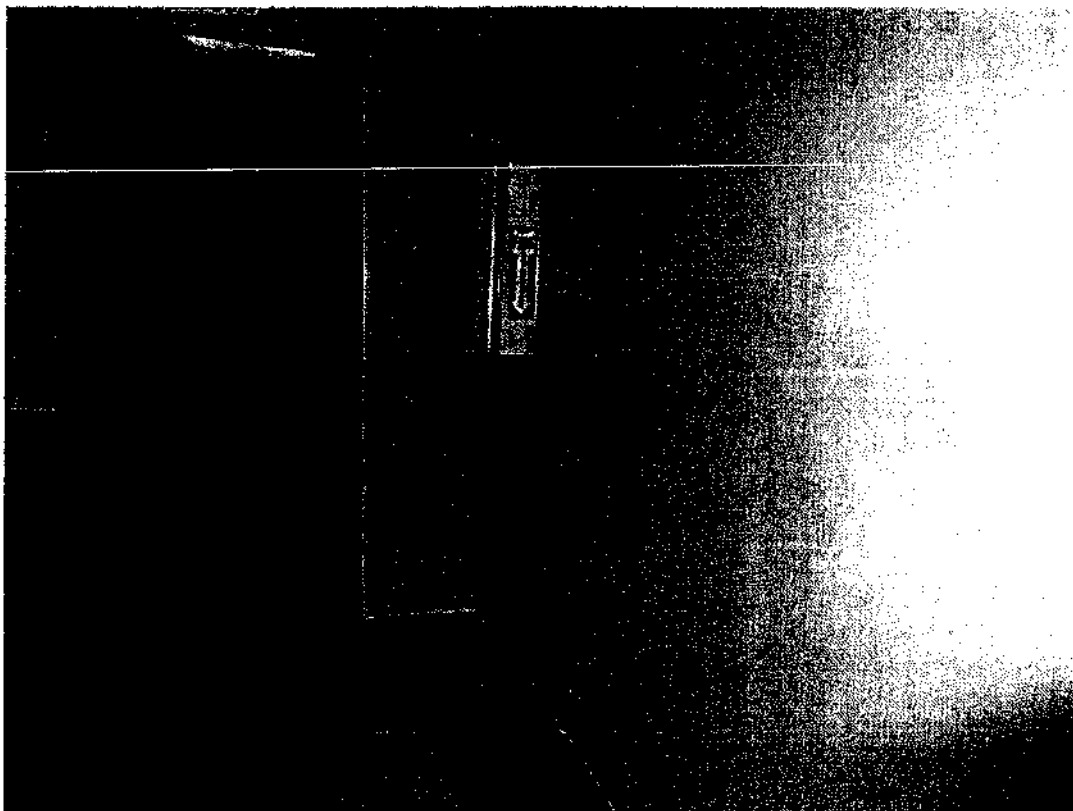
# **NYC BOE ADA FINAL REPORT**

QUEENS  
Q0303  
EWLEPTS-6179

Item #	USE	Location Code & Description	Reference & Figure(s) #	Item Text Existing Condition Possible Solution Code Possible Solution Text Surveyor Notes (if applicable)
EWLEPTS-6179 Philip Duffield	GP 2	Q1-05-38 1ST FLOOR INTERIOR ROUTE VOTING AREA	4.4.1 8(a-e)	<p>Protruding object with leading edge between 27" and 80" AFF projects more than 4" from wall or 12" from post:</p> <p><b>FIRE EXTINGUISHER PROJECTS 6.5" AT 46.25" AFF</b></p> <p>SOLUTION Code 1: S38E0g Each 1 Estimated Cost: \$10.40</p> <p>Possible Solution: Place a detectable object on the floor below each object which may remove the hazard for election day.</p> <p>SOLUTION Code 2: S38E0c Each 1 Estimated Cost 2: \$468.00</p> <p>Possible Solution 2: Lower existing item into the range of cane detection OR place a fixed cane detectable element below it. Repair/refinish as needed. If item is required to be accessible, comply with reach ranges, clear floor space, etc.</p>

Notes from Surveyor: The box edge is 18" from the corner.

Q0303-0056

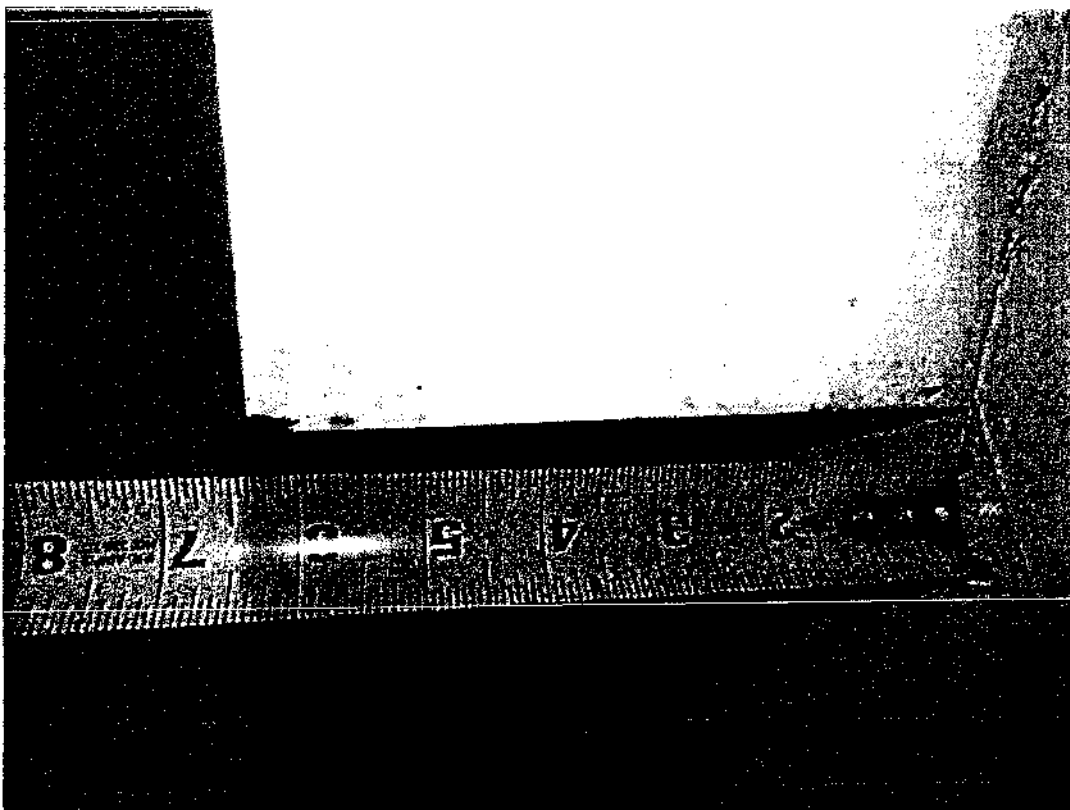


LEFRACK CITY APES  
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Queens, NY 11368

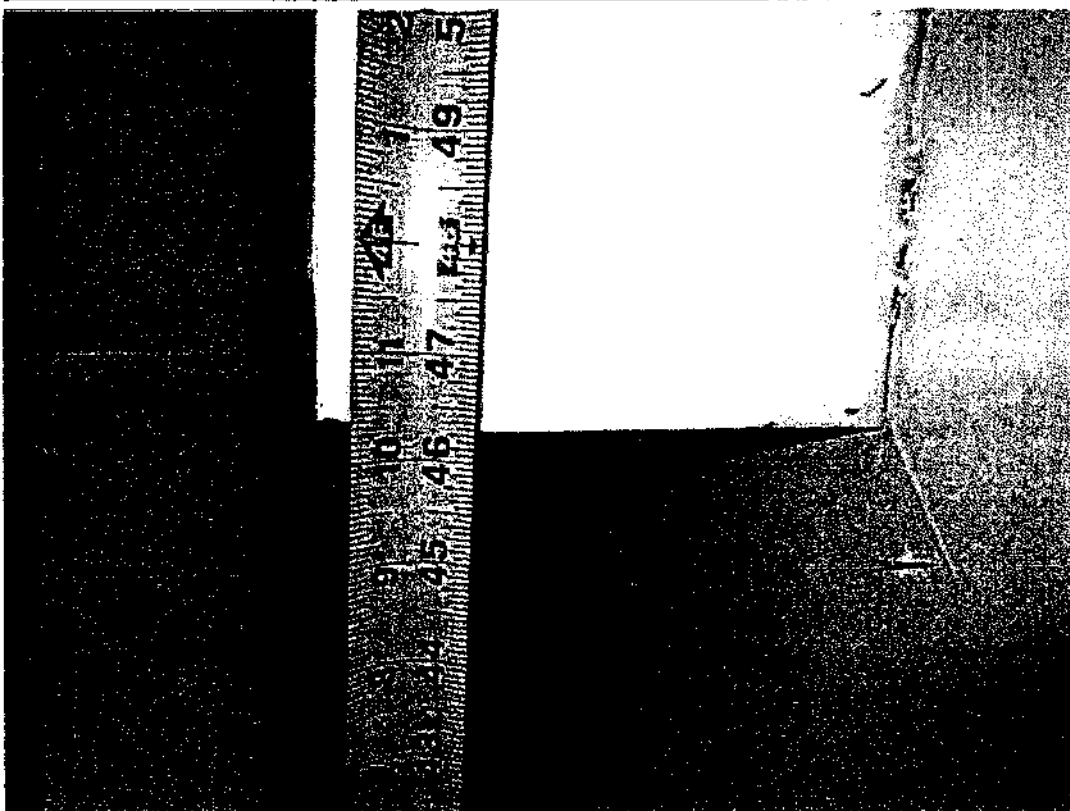
NYC BOE ADA FINAL REPORT

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EWLEPTS-6179

Q0303-0055



Q0303-0057



LEFRAK CITY APTS  
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Q0303-0054



LEFRACK CITY APTS  
9610 57 Ave  
Queens, NY 11368

**NYC BOE ADA FINAL REPORT**

QUEENS  
Q0303  
EWLEPTS-6181

Item # Lead Surveyor Name	USE DOI	Location Code & Description	Reference & Figure(s) #	Item Text Existing Condition Possible Solution Code Possible Solution Text Surveyor Notes (if applicable)
EWLEPTS-6181 Philip Duffield	GP 2	01-05-38 1ST FLOOR INTERIOR ROUTE VOTING AREA	4.13.6 25	Floor surface within required area for door maneuvering clearance is not level: <b>PULL/FRONT/REQUIRED WIDTH 18"/EXISTING WIDTH 9"/REQUIRED DEPTH 60"/EXISTING DEPTH 60"</b>  SOLUTION Code 1: S38G55e N/A 1 Estimated Cost: \$0.00  Possible Solution: Provide an accessibility clerk near the door to open it for voters during all voting hours.  SOLUTION Code 2: S38G55b Each 1 Estimated Cost 2: \$13,000.00 Possible Solution 2: Install compliant automatic opening device.

**Notes from Surveyor: The push side required maneuvering clearance is 12" with an existing clearance of 9". This is the door from the voting room into the 1st floor elevator lobby corridor.**

Q0303-0025



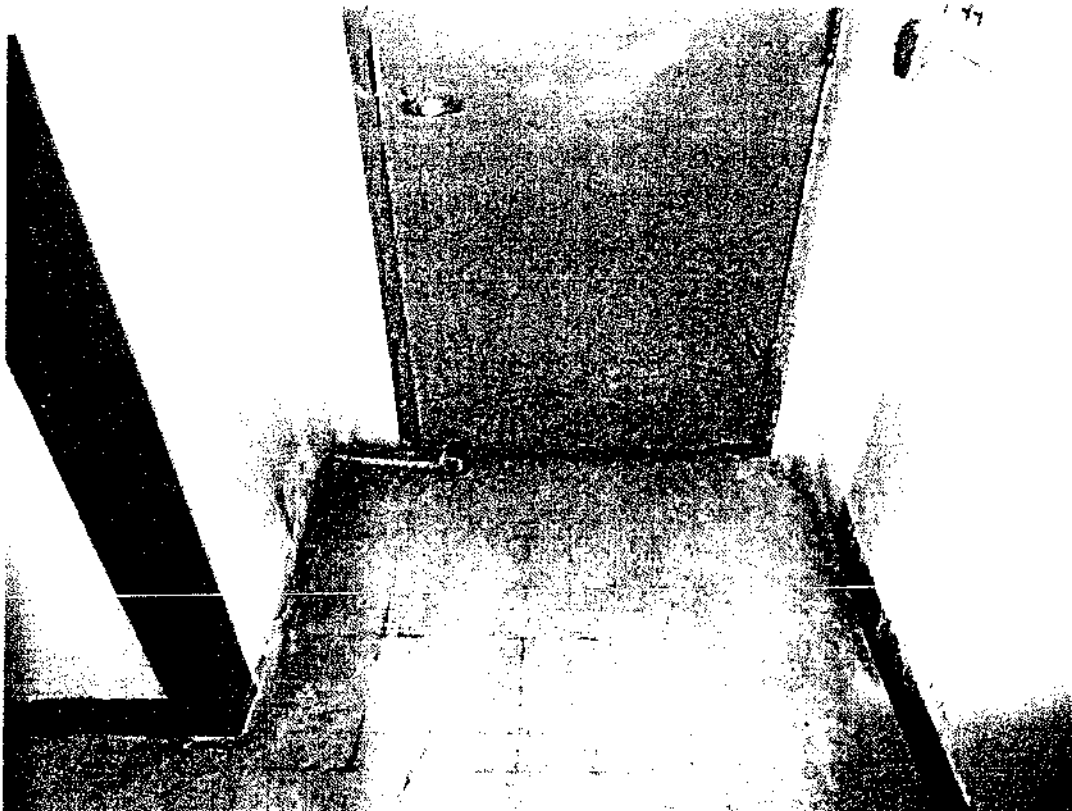


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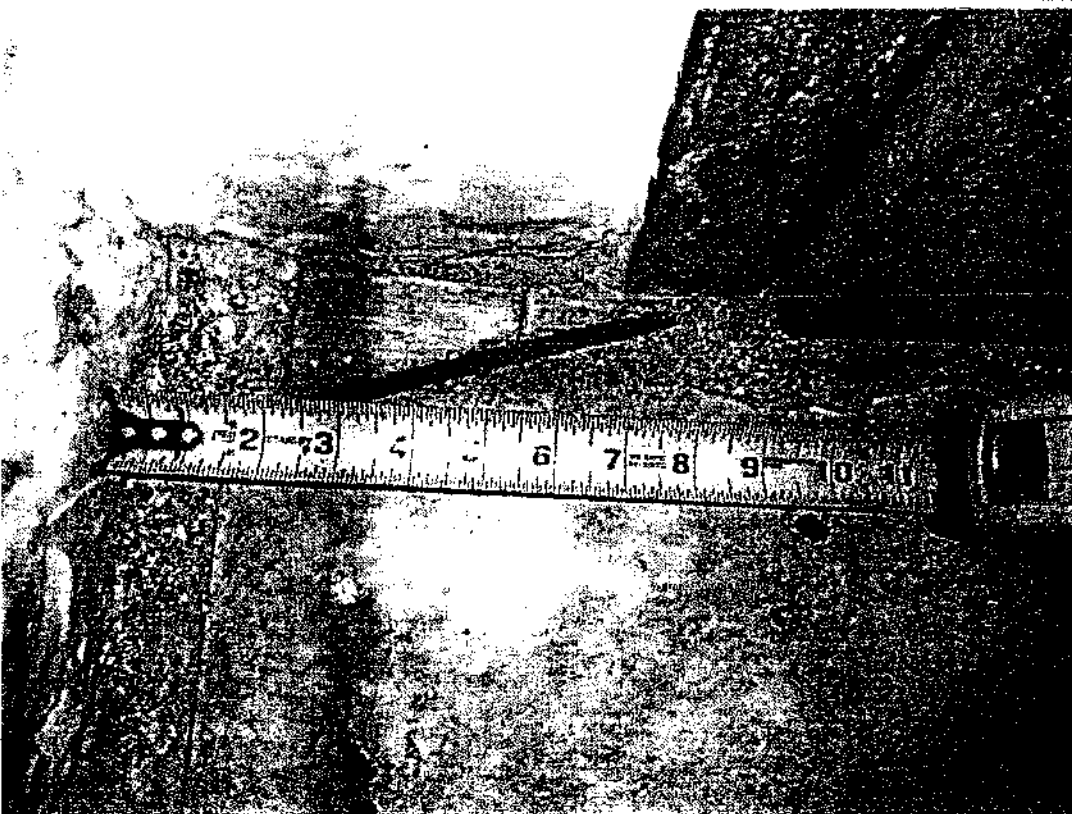
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QUEENS  
Q0303  
EWLEPTS-6181

Q0303-0061



Q0303-0062



LEFRAK CITY APTS  
9610 57 Ave  
Queens, NY 11368

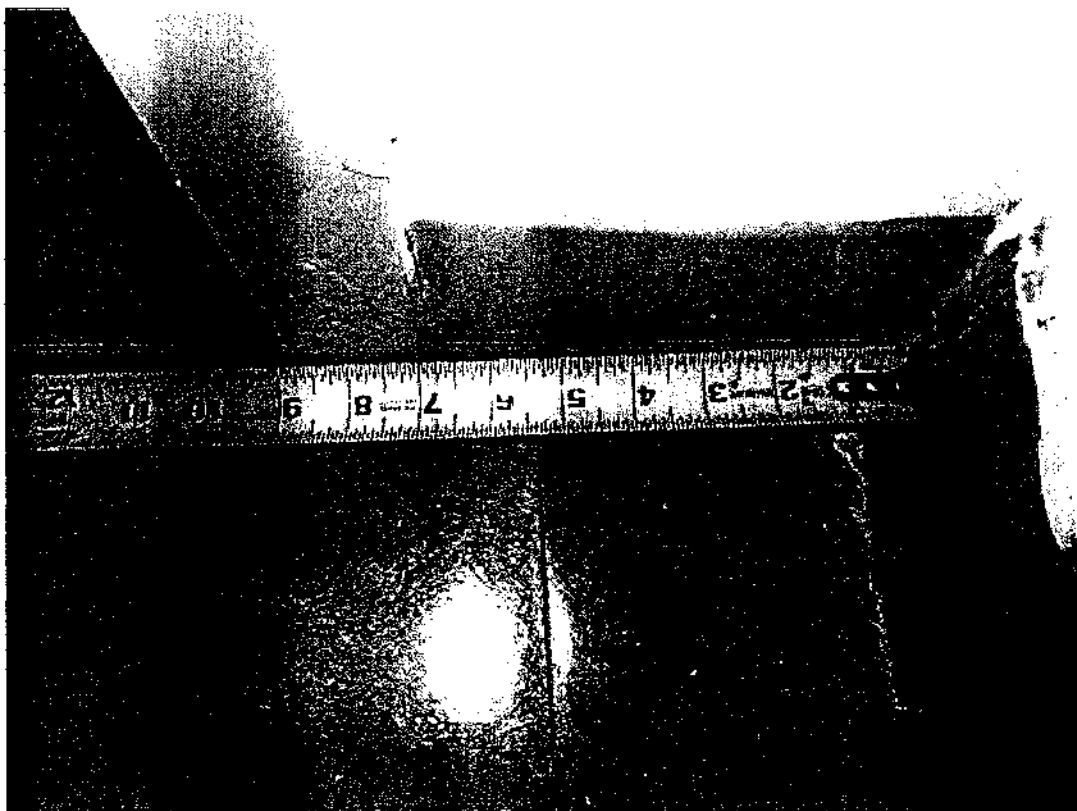
NYC BOE ADA FINAL REPORT

QUEENS  
Q0303  
EWLEPTS-6181

Q0303-0063



Q0303-0064

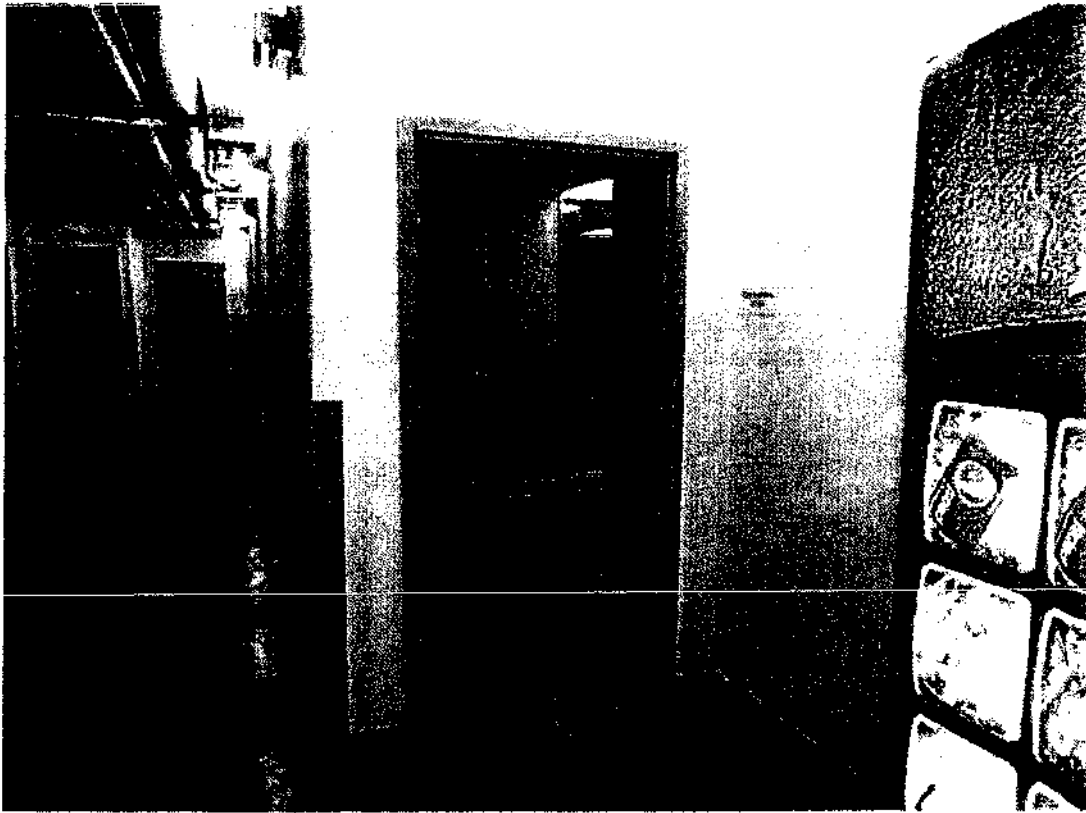


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NYC BOE ADA FINAL REPORT

QUEENS  
Q0303  
EWLEPTS-6181

Q0303-0024



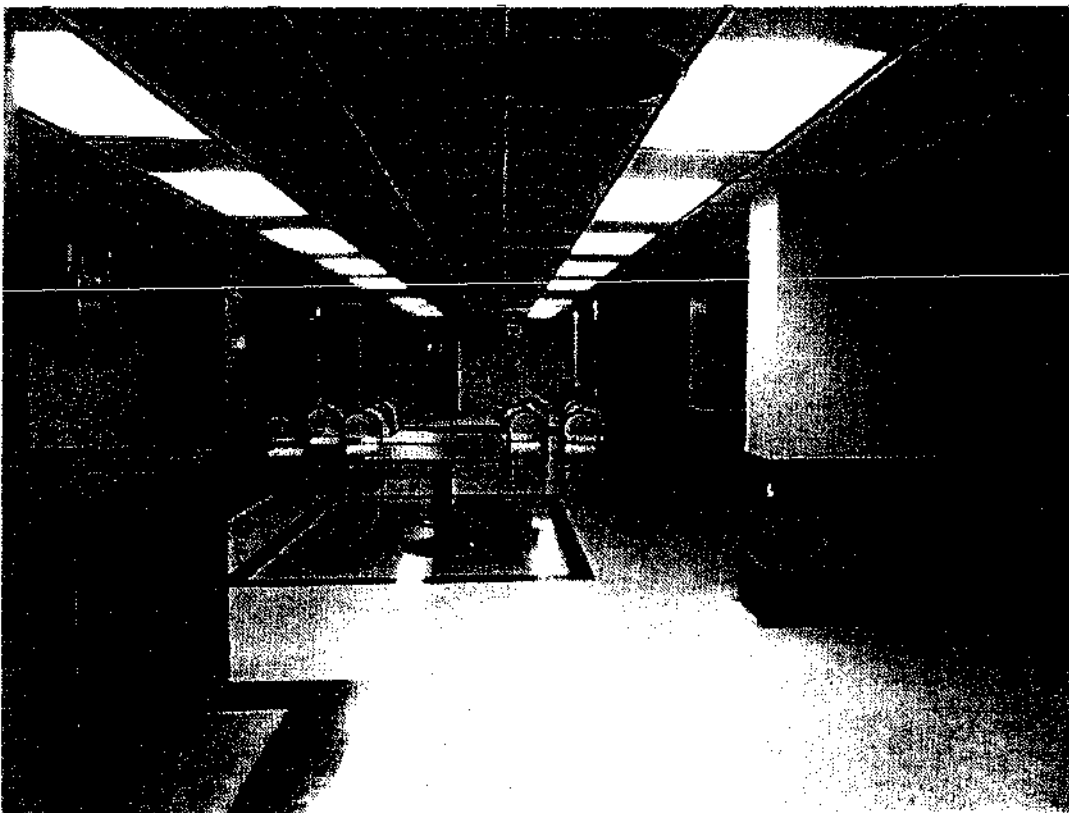
LEFRAK CITY APIS  
9610 57 Ave  
Queens, NY 11368

**NYC BOE ADA FINAL REPORT**

**QUEENS  
Q0303**

Lead Surveyor Name	USE DOJ	Location Code & Description	Reference & Figure(s) #	Item Text Existing Condition Possible Solution Code Possible Solution Text Surveyor Notes (if applicable)
Philip Duffield	GP 2	01-05-38 1ST FLOOR INTERIOR ROUTE VOTING AREA		Average Light Level at the time of the survey: <b>LIGHT LEVEL IS 270 TO 440 LUX</b> <b>THIS IS INFORMATIONAL ONLY:</b> SOLUTION Code 1: S38P1a N/A 1 Estimated Cost: \$0.00 Possible Solution: The existing condition indicates the light level in the voting area at the time of the survey.

Q0303-0019





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QUEENS  
Q0303

Q0303-0022





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QUEENS  
Q0303

Q0303-0079



Q0303-0081





LEFRAK CITY APTS  
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QUEENS  
Q0303

Q0303-0082



LEFRAK CITY APTS  
9610 57 Ave  
Queens, NY 11368

NYC BOE ADA FINAL REPORT

QUEENS  
Q0303  
EWLEPTS-6184

Item # Lead Surveyor Name	USE DOJ	Location Code & Description	Reference & Figure(s) #	Item Text
				Existing Condition Possible Solution Code Possible Solution Text Surveyor Notes (if applicable)
EWLEPTS-6184 Philip Duffield	GP 2	02-05-05 2ND FLOOR INTERIOR ROUTE VESTIBULE	4.13.9	Existing door hardware cannot be grasped easily with one hand or requires tight grasping, pinching, or twisting of the wrist to operate: <b>DOOR HAS A CONTROLLED ENTRY SECURITY DEVICE</b> <i>Controlled Entry Security System:</i> SOLUTION Code 1: S38G4g N/A 1 Estimated Cost: \$0.00 Possible Solution: Door requires a code, buzzer, button control or key card to open the door. Station volunteer at door to allow entry or arrange to have security personnel present to open door(s) for voters.

Notes from Surveyor: This is the door from the main/voter entrance located on the second floor. Coordinate with provision for a door clerk covered under another barrier for door force.

Q0303-0088



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NYC BOE ADA FINAL REPORT

QUEENS  
Q0303  
EWLEPTS-6184

Q0303-0089



Q0303-0085





LEFRACK CITY APTS  
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Queens, NY 11368

# NYC BOE ADA FINAL REPORT

QUEENS  
Q0303  
EWLEPTS-6185

Item # Lead Surveyor Name	USE DOJ	Location Code & Description	Reference & Figure(s) #	Item Text Existing Condition Possible Solution Code Possible Solution Text Surveyor Notes (if applicable)
EWLEPTS-6185 Philip Duffield	GP 2	02-05-05 2ND FLOOR INTERIOR ROUTE VESTIBULE	4.13.6	<p>More than 5# is required to push or pull open an accessible interior door:</p> <p><b>11# DOOR OPENING FORCE</b></p> <p><b>SOLUTION Code 1:</b> S38G8a N/A 1 Estimated Cost: \$0.00</p> <p><b>Possible Solution:</b> If door is a fire door, station volunteers near the door to open it for voters; otherwise either leave the door propped open during voting hours or use accessibility clerks. If doors are propped open, maintain 36" clear width accessible route except for 32" clear width at door opening.</p> <p><b>SOLUTION Code 2:</b> S38G8b Each 1 Estimated Cost 2: \$780.00</p> <p><b>Possible Solution 2:</b> Adjust closer to provide compliant speed and force. (May inhibit proper latching. If so, replace existing closer with compliant model which allows door to operate as intended).</p>

**Notes from Surveyor:** This is the door from the main/voter entrance located on the second floor. Coordinate with provision for a door clerk covered under another barrier at the controlled entry security device.

Q0303-0085

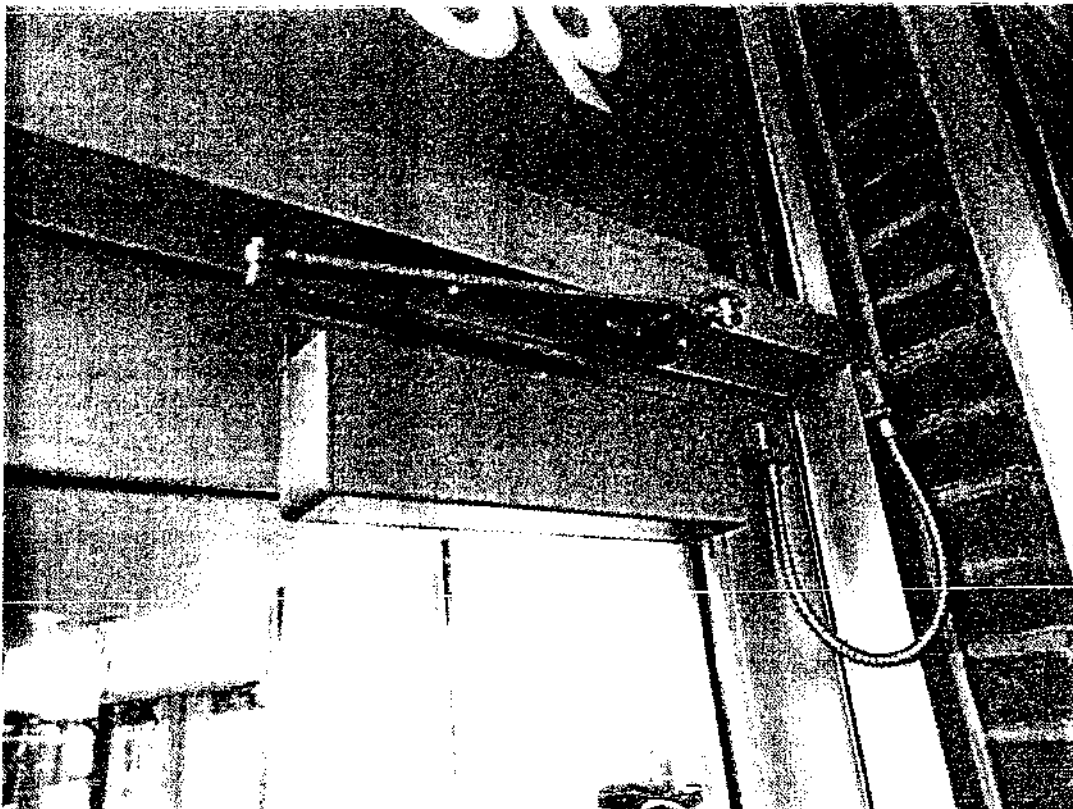


LEFRACK CITY APIS  
9610 57 Ave  
Queens, NY 11368

NYC BOE ADA FINAL REPORT

QUEENS  
Q0303  
EWLEPTS-6185

Q0303-0087



Q0303-0088



LEFRACK CITY APTS  
9610 57 Ave  
Queens, NY 11368

NYC BOE ADA FINAL REPORT

QUEENS  
Q0303

ANALYSIS by Codes for Facility: LEFRACK CITY APTS

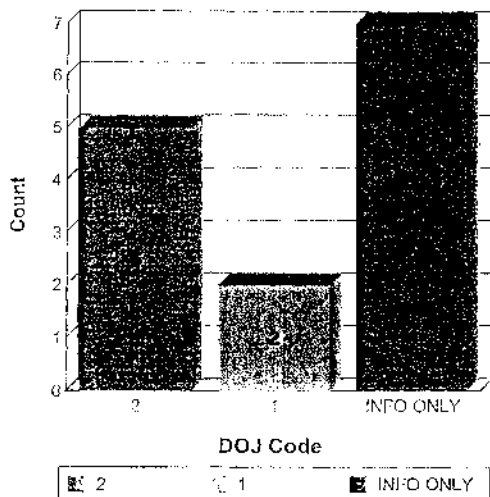
SUMMARY by DOJ Code

	#	1st Option Cost	2nd Option Cost
DOJ Code: 1	2	\$18,942.14	\$16,442.14
DOJ Code: 2	5	\$20.80	\$15,028.00
INFO ONLY	7	\$0.00	\$0.00
Total	14	\$18,962.94	\$31,470.14

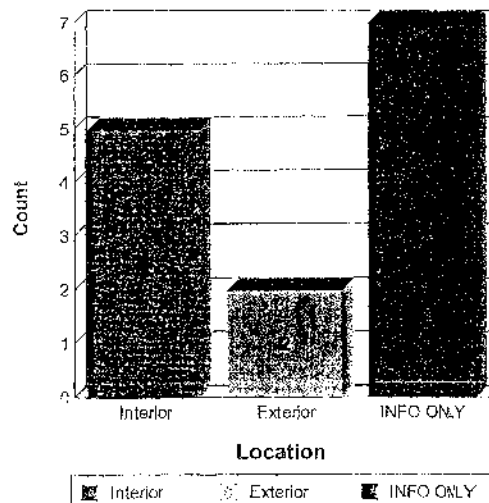
SUMMARY by Location

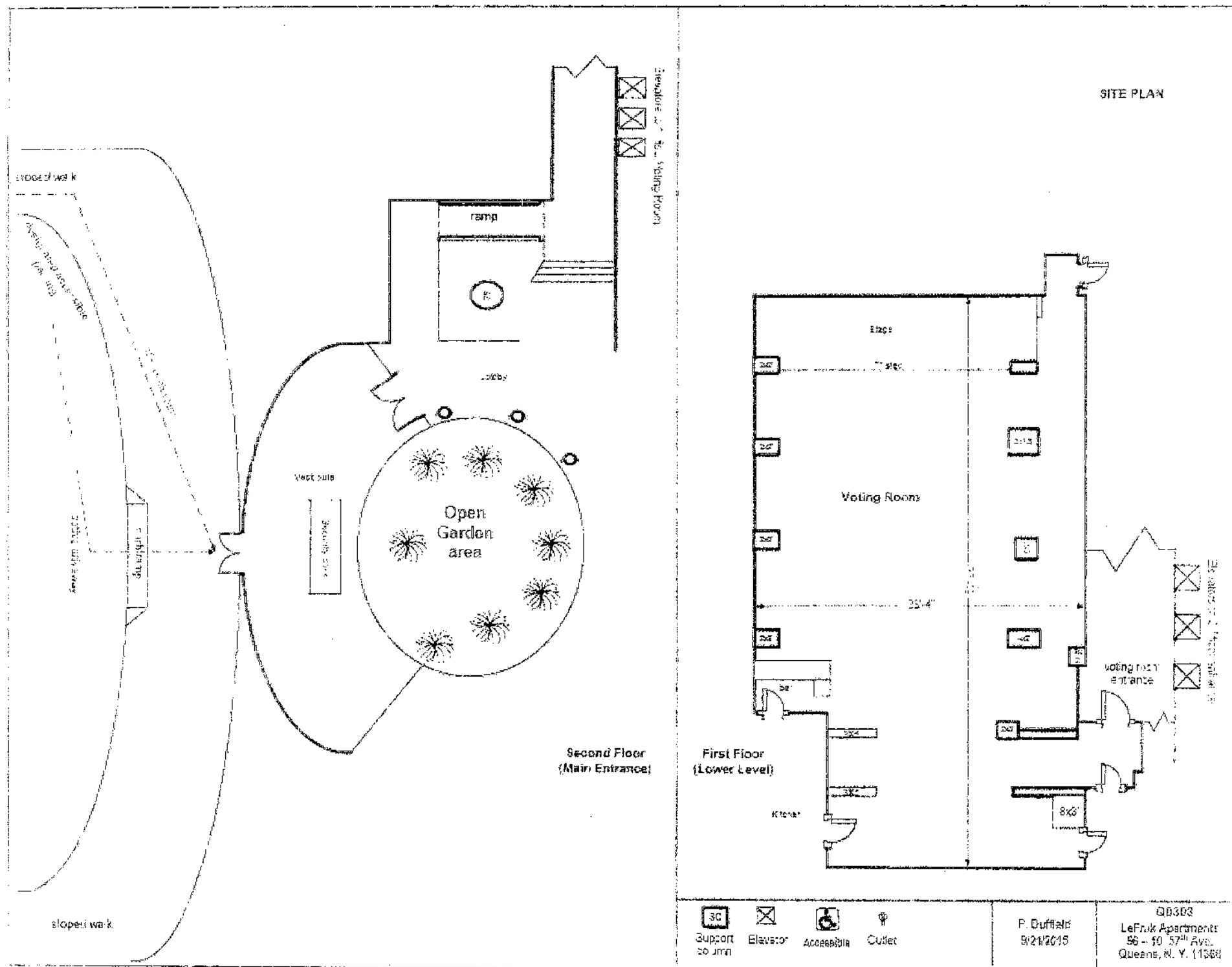
	#	1st Option Cost	2nd Option Cost
Interior	5	20.80	\$15,028.00
Exterior	2	18,942.14	\$16,442.14
INFO ONLY	7	0.00	\$0.00
Total	14	\$18,962.94	\$31,470.14

DOJ Code Frequency

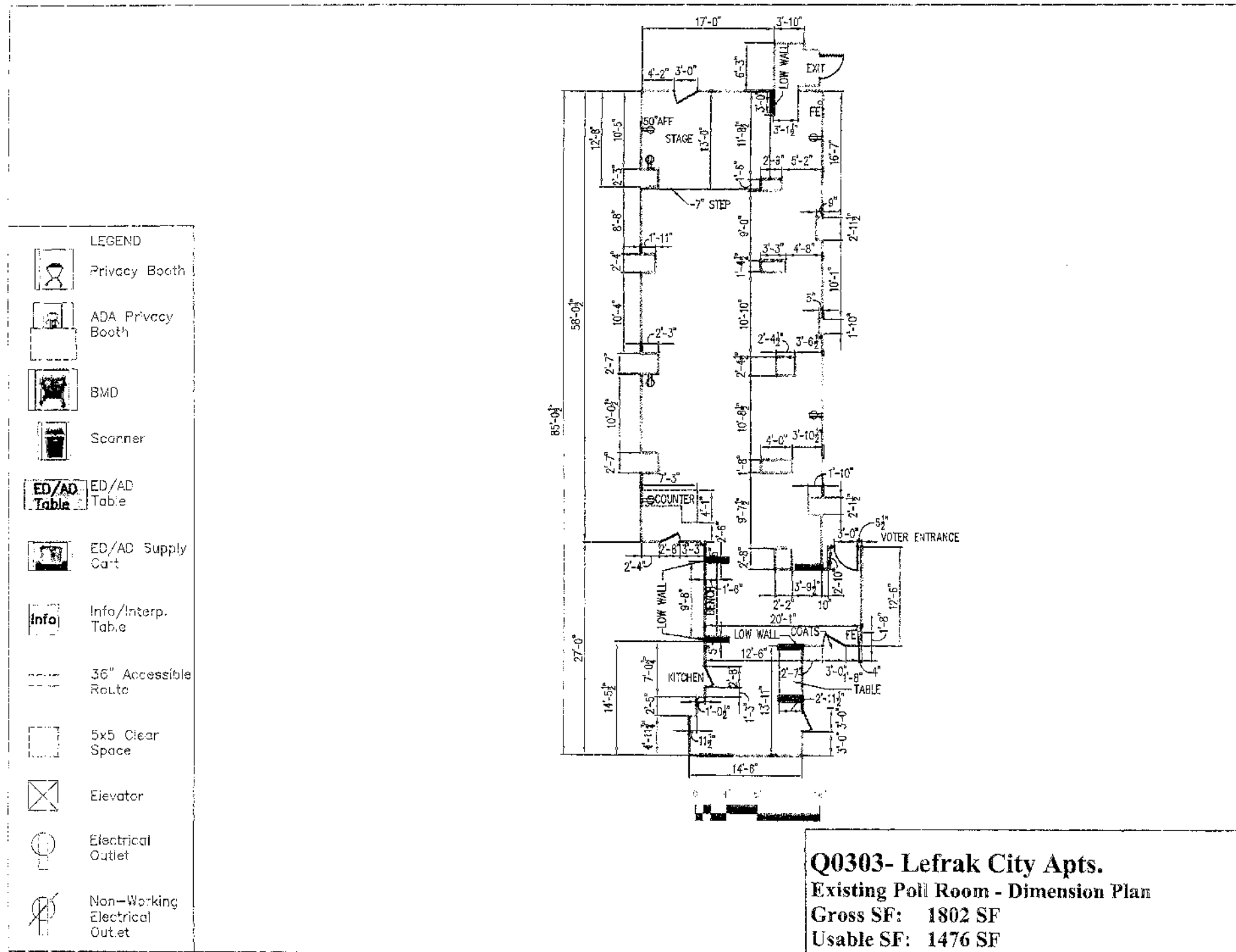


Location Frequency











S04 - Ramp Form - NYC - ETA 3640

ADA Checklist for Polling Places (DOJ)

Date Surveyed: 07/27/2017

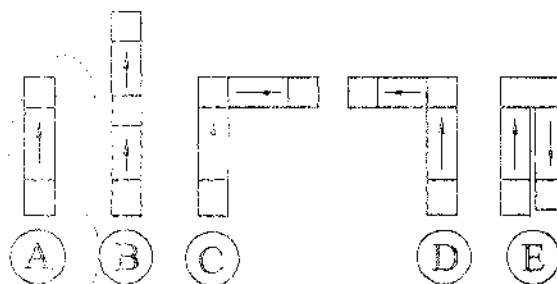
HASNO # 2 Borough: MANHATTAN

Facility Name: LEO MCCARTHY

Surveyor Name: JOSEPH L. BARRILE

Location of Ramp: 2nd St. at 1st Ave.

Notes:



(F) (OTHER)

Ramp Configuration Types

Select one 1

USE ONE FORM  
PER RAMP SEGMENT

WIDTH OF LANDING 5'-3"

WIDTH OF RAMP (between handrails) 5'-3"

INTER. / TOP LANDING

SLOPE 0.7

X-SLOPE 0.1

LENGTH OF RAMP RUN 16'-0"

8'-0" | 8'-0"

8'-5" | 9'-5"

SLOPE 0.7

X-SLOPE 0.5

WIDTH OF LANDING 5'-3"

RAMP UP

Ramp Segment 1 of 1

(300) RAMP

(300a) RAMP Drawings & Photo

Drawings Name (HASNO #) 2 Ramp

Photos 2

RAMP

(301) Max Slope 8.33% 8.33 % Slope

Greater than 6" rise / greater than 10' run - 9.3%

Greater than 6" rise / less than or = to 10' run - 8.5%

6" Max rise - 11% (existing site w/ space limitation)

3" Max rise - 13.5% (existing site w/ space limitation)

(302) Slope 10% to 6.33% Max up to 6" Max height

12.5% to 10% Max up to 3" Max ht. if space limitations prevent 8.33% or less

(303) Ramp length 30' Max (slope 6.25% to 8.33%)

(309) Ramp length 40' Max (slope 6.25% to 5%)

(309a) 30" Max rise (for each run)

(315) Edge protection at drop-offs (if this is a barrier, Lin. Ft.)

(316) Curb (2" h. min.) (if this is a barrier, Lin. Ft. of curb)

Slope 8.33 % 8.33 " rise

Length 16'-0" Slope 8.33

Length 16'-0" Slope 8.33

Length 16'-0" Slope 8.33

Y - N - NA LF

Y - N - NA LF

LEVEL CHANGE

(318) Vertical transition

Vert. 1/4" AFF Max; 1/4" to 1/2" AFF beveled Max slope 1:2

Vert. 1/4" to 1/2" and not beveled

Vertical transition > 1/2"

Y - N 16'-0" LF

HANDRAILS

(303) Handrails required both sides of ramp if > 6" rise

(303) Handrails required?

(303) Handrails provided on both sides?

(303) Handrails on one side only?

(304) Clear width between handrails - 36" min req'd

(305) Top of handrail 34" to 38" AFF

(HRs 30" to 34" AFF are safe harbored)

If there is a HR barrier, provide Lin. Ft. of handrails

16'-0" " Rise

16'-0" " Rise

16'-0" " Rise

16'-0" " Clear Width

16'-0" " AFF

Lin. Ft. 16'-0"

LANDINGS

(306) TOP LANDING

(307) 30" minimum long

(308) 2% Max slope (any direction)

(316) Curb (2" high min.)

(315) Edge protection at drop-offs

Y - N - NA

16'-0" " Long

16'-0" " Slope

16'-0" " High Y - N - NA

Y - N - NA

INTERMEDIATE LANDING

(Ramp continues in the same direction)

(310) 60" minimum long

(311) 2% Max slope (any direction)

(316) Curb (2" high min.)

(315) Edge protection at drop-offs

Y - N - NA

16'-0" " Long

16'-0" " Slope

16'-0" " High Y - N - NA

Y - N - NA

LANDING AT CHANGE OF DIRECTION

(313) 60" x 60"

(314) 2% Max slope (any direction)

(316) Curb (2" high min.)

(315) Edge protection at drop-offs

Y - N - NA

16'-0" " x 16'-0" "

16'-0" " Slope

16'-0" " High Y - N - NA

Y - N - NA

BOTTOM LANDING

(310) 60" minimum long

(311) 2% Max slope (any direction)

(316) Curb (2" high min.)

(315) Edge protection at drop-offs

Y - N - NA

16'-0" " Long

16'-0" " Slope

16'-0" " High Y - N - NA

Y - N - NA

**S01 - Parking Form - NYC - ETA 3640**  
**ADA Checklist for Polling Places (DOJ)**  
Date Surveyed: 9/27/17  
HASNO # B0336 Borough: 1  
Facility Name: \_\_\_\_\_  
Surveyor Name: John J. ...  
Location of Parking: Venue Access Point  
8 ...

Total Parking in Lot	Required Minimum Number of Accessible Spaces
1 to 25	<u>(1)</u>
16 to 50	<u>2</u>
51 to 75	<u>3</u>
76 to 100	<u>4</u>
101 to 150	<u>5</u>
151 to 200	<u>6</u>
201 to 300	<u>7</u>
301 to 400	<u>8</u>
401 to 500	<u>9</u>
501 to 1000	2 percent of total
1001 and over	20, plus 1 for each 100 over 1000

(001Aa) **PARKING** Drawing Name (HASNO#) \_\_\_\_\_ Space 2  
**Overall Photos (Parking with Building)** \_\_\_\_\_  
Accessible parking photos \_\_\_\_\_  
(Accessible parking & access aisle) \_\_\_\_\_  
Overall Sign Photos \_\_\_\_\_  
Detail Sign Photos \_\_\_\_\_  
(002) **PARKING** 10 Total spaces,  
1 Accessible required,  
1 Accessible marked, (including Van)  
   Additional spaces req.  
(003) **ACCESS AISLE** provided Y-N  
(004) 60" Minimum Wide    " Wide access aisle  
(005) **VAN SPACE** 0 # Van accessible provided  
(006) **Access Aisle** 96" (8') min.    " Wide access aisle  
wide or 60" (5') min. wide  
(If parking space 132" (11') min. wide)  
**Parking space width** (8'-0" min.) 96"  
(7'-10-1/2" or more allowed)    " Wide parking space  
(007) **Clear height** 98" min.    " AFG/AFF  
parking/vehicular route  
(008) **SLOPE**, 2% max in spaces/    range from 3.6 % to 3.5 %  
access aisles (Less than 3.25% allowed)  
Caused by SLOPE TO ... (if appropriate)  
(009) **SIGNAGE**, Is (ISA provided) Y-N  
(010) Is ISA visible when vehicle     
is parked in the space Y-N  
(60" min. AFF)  
(011) **ROUTE**, located on the shortest     
route to the entrance Y-N  
(012) Access aisle    connect to an Y-N  
accessible route Y-N

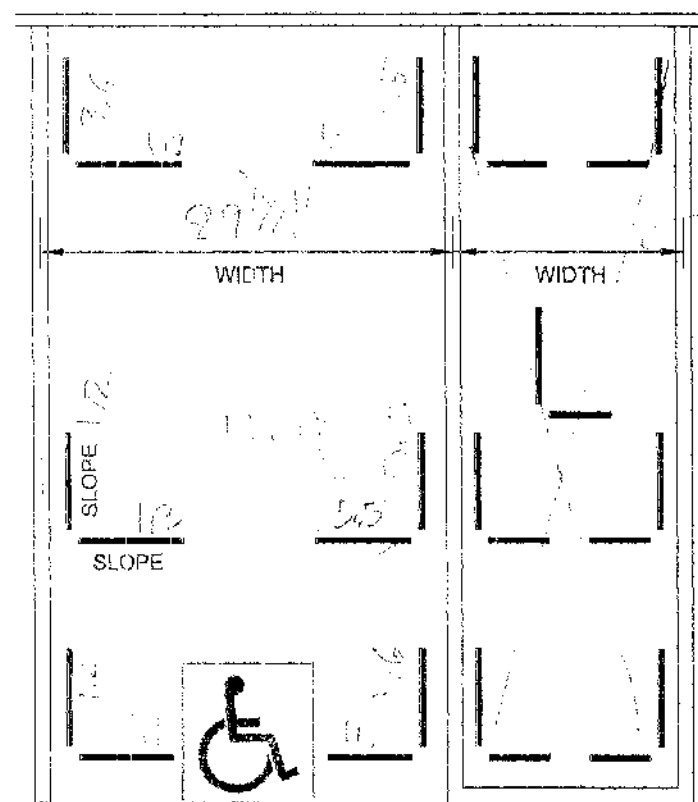


PHOTO # \_\_\_\_\_ PHOTO # \_\_\_\_\_

Space A Standard Space ☒ Van Space ☐

**S01 - Parking Form - NYC - ETA 3640**  
**ADA Checklist for Polling Places (DOJ)**  
 Date Surveyed: 7/11/17  
 HASNO # 0001 Borough: Queens  
 Facility Name: LeFrak Center  
 Surveyor Name: J. P. P. P.  
 Location of Parking: LeFrak Center Access Drive  
Queens, NY 11354

Total Parking in Lot	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20, plus 1 for each 100 over 1000

(001Aa) **PARKING** Drawing Name (HASNO#) 2 Space 2  
**Overall Photos (Parking with Building)** 01234  
 Accessible parking photos (Accessible parking & access aisle) 01234  
 Overall Sign Photos 01234  
 Detail Sign Photos 01234

(002) **PARKING** 10 Total spaces,  
1 Accessible required,  
0 Accessible marked (including Van)  
0 Additional spaces req.

(003) **ACCESS AISLE** provided Y-N  
 (004) 60" Minimum Wide 60" Wide access aisle  
 (005) **VAN SPACE** 0 # Van accessible provided  
 (006) **Access Aisle** 96" (8') min. 96" Wide access aisle  
 wide or 60" (5') min. wide  
 (If parking space 132" (11') min. wide)  
**Parking space width** (8'-0" min.) 96" Wide parking space  
 (7'-10-1/2" or more allowed)  
 (007) **Clear height** 98" min. 98" AFF/AFF  
 parking/vehicular route  
 (008) **SLOPE**, 2% max in spaces/ range from 2.8% to 15.1%  
 access aisles (Less than 3.25% allowed)  
 Caused by uneven surface (If appropriate)  
 (009) **SIGNAGE**, is (ISA provided) Y-N  
 (010) Is ISA visible when vehicle is parked in the space Y-N  
 (60" min. AFF)  
 (011) **ROUTE**, located on the shortest route to the entrance Y-N  
 (012) Access aisle connect to an accessible route Y-N/A

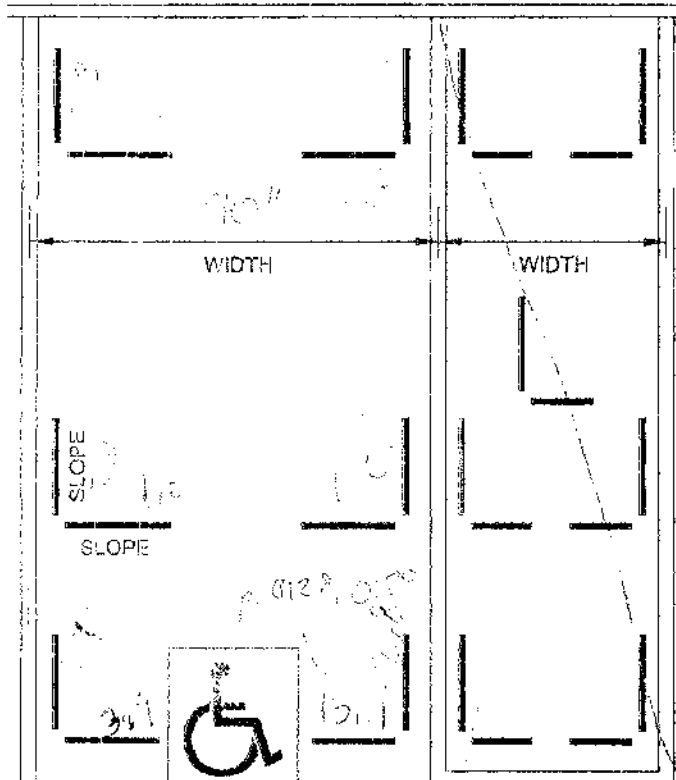


PHOTO # 01234

PHOTO # 01234

Space: 13 Standard Space ☒ Van Space ☐

## S03 - Curb Ramp Form - NYC - ETA 3640

## 1991 ADA Standards

Date Surveyed: 8/28/17HASNO # 100-100000000 Borough: 100-100000000Facility Name: 100-100000000Surveyor Name: P. DUTFIELDLocation of Ramp: 100-100000000

## Notes:

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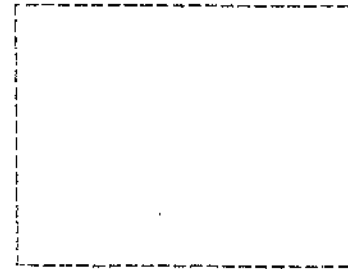
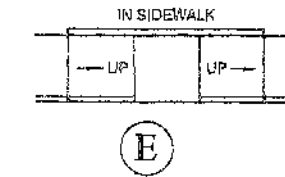
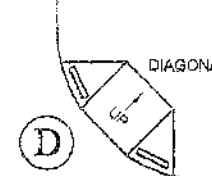
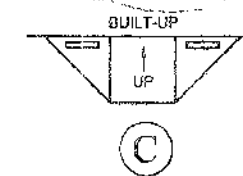
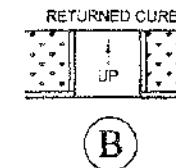
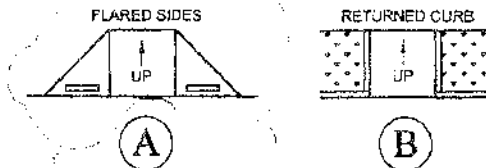
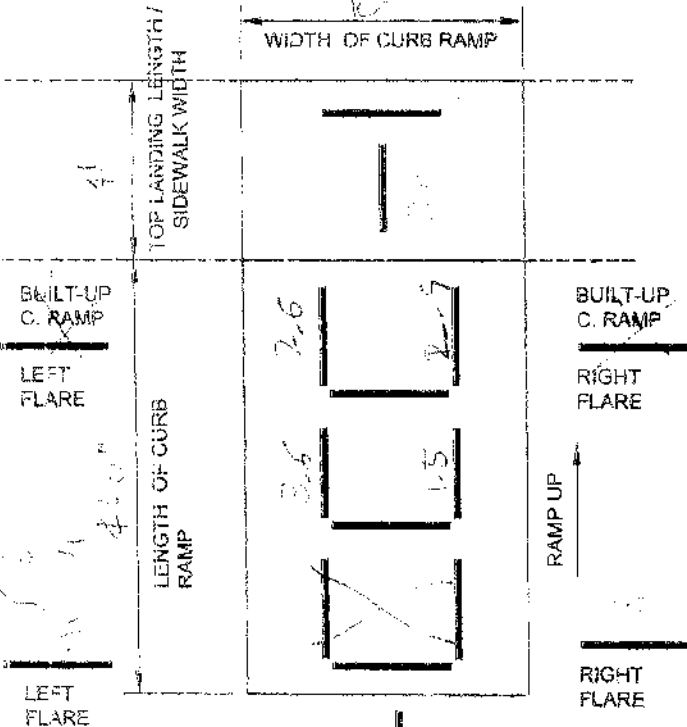
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Curb Ramp Configuration Types - select one A

(SKETCH LOCATION OF DETECTABLE WARNINGS, IF ANY)

OVERALL PHOTO NUMBERS 100-100000000

## Check List

PROJECT INTO TRAFFIC Y/N  
 OBSTRUCTED BY VEHICLES Y/N  
 RAMP WITHIN MARKED CROSSING Y/N

## Diagonal

RETURN CURB PARALLEL TO PEDESTRIAN FLOW Y/N  
 48" CLEAR AT BOTTOM WITHIN MARKINGS Y/N  
 24" STRAIGHT CURB Y/N

## Raised Islands

RAMPS WITH 48" LEVEL AREA Y/N  
 OR CUT THROUGH Y/N

## Surface

TRANSITION? Y/N " HIGH  
 LANDINGS DESIGNED TO PREVENT WATER ACCUMULATION Y/N  
 JOINT / CRACK WIDTH Y/N " WIDE  
Y/N " DEEP

## Detectable Warnings

PROVIDED Y/N  
 FULL WIDTH AND DEPTH Y/N  
 CONTRAST Y/N

## Rise

1.5"

## Sides

FLARED Y/N  
 RETURNED Y/N  
 PROTECTED Y/N

## Landing

LANDING LENGTH 48" MINIMUM 48"  
 AT TOP 48"



## S04 - Ramp Form - NYC - ETA 3640

## ADA Checklist for Polling Places (DOJ)

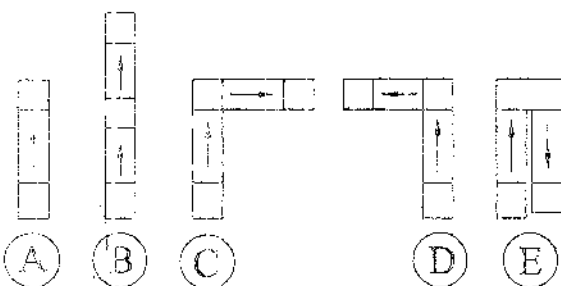
Date Surveyed: 11-2-2017HASNO # Y-15 Borough: QueensFacility Name: Queens County CourthouseServer/ur Name: James J. ...Location of Ramp: Room 2000USE ONE FORM  
PER RAMP SEGMENT

WIDTH OF LANDING		WIDTH OF RAMP (between handrails)	
INTER. / TOP LANDING	SLOPE	X-SLOPE	
		SLOPE	
LENGTH OF RAMP RUN	SLOPE	SLOPE	
		SLOPE	
BOTTOM / INTER. LANDING	SLOPE	X-SLOPE	
		SLOPE	

WIDTH OF LANDING: 71'-0"

RAMP UP

## Notes:



F (OTHER)

Ramp Configuration Types

Select one F

## (300) RAMPS

## (300e) RAMP Drawings &amp; Photo

Drawings Name (HASNO #) 00701-1-11-17 Ramp

Photos

## RAMP

- (301) Max Slope 8.33% 1.25% Slope  
Greater than 6" rise / greater than 10' run - 9.3%  
Greater than 6" rise / less than or = to 10' run - 9.5%  
6" Max rise - 11% (existing site w/ space limitation)  
3" Max rise - 13.5% (existing site w/ space limitation)
- (302) Slope 10% to 8.33% Max up to 6" Max height  
12.5% to 10% Max up to 3" Max ht, if space limitations prevent 8.33% or less
- (309) Ramp length 30' Max (slope 6.25% to 8.33%)  
(309) Ramp length 40' Max (slope 6.25% to 6%)  
(309a) 30" Max rise (for each run)
- (316) Edge protection at drop-offs (if this is a barrier, Lin. Ft.)  
(318) Curb (2" h. min.) (If this is a barrier, Lin. Ft. of curb)
- Slope 1.25% 1.25" rise  
Length 10' Slope  
Length 10' Slope  
Length 10' Slope  
Y - N - NA LF  
Y - N - NA LF

## LEVEL CHANGE

- (318) Vertical transition  
(Vert. 1/4" AFF Max; 1/4" to 1/2" AFF beveled Max slope 1:2)  
Vert. 1/4" to 1/2" and not beveled  
Vertical transition > 1/2"
- Y - N LF

## HANDRAILS

- (303) Handrails required both sides of ramp if > 6" rise  
(303) Handrails required?  
(303) Handrails provided on both sides?  
(303) Handrails on one side only?  
(304) Clear width between handrails - 36" min req'd  
(305) Top of handrail 34" to 38" AFF  
(HRs 30" to 34" AFF are safe harbored)  
If there is a HR barrier, provide Lin. Ft. of handrails
- " Rise  
Y - N  
Y - N  
Y - N  
" Clear Width  
" AFF  
Lin. Ft. 10'

## LANDINGS

- (306) TOP LANDING  
(307) 60" minimum long  
(308) 2% Max slope (any direction)  
(316) Curb (2" high min.)  
(318) Edge protection at drop-offs
- (310) 60" minimum long  
(311) 2% Max slope (any direction)  
(316) Curb (2" high min.)  
(318) Edge protection at drop-offs
- (310) 60" minimum long  
(311) 2% Max slope (any direction)  
(316) Curb (2" high min.)  
(318) Edge protection at drop-offs
- Y - N - NA  
" Long  
" % Slope  
" High Y - N - NA  
Y - N - NA

## INTERMEDIATE LANDING

(Ramp continues in the same direction)

- (310) 60" minimum long  
(311) 2% Max slope (any direction)  
(316) Curb (2" high min.)  
(318) Edge protection at drop-offs
- Y - N - NA  
" Long  
" % Slope  
" High Y - N - NA  
Y - N - NA

## LANDING AT CHANGE OF DIRECTION

- (313) 60" x 60"  
(314) 2% Max slope (any direction)  
(316) Curb (2" high min.)  
(318) Edge protection at drop-offs
- " " X  
" % Slope  
" High Y - N - NA  
Y - N - NA

## BOTTOM LANDING

- (310) 60" minimum long  
(311) 2% Max slope (any direction)  
(316) Curb (2" high min.)  
(318) Edge protection at drop-offs
- Y - N - NA  
" Long  
" % Slope  
" High Y - N - NA  
Y - N - NA

RAM



(HASNO#) Q0303 BOE DIMENSIONED CONCEPTUAL SOLUTION Sheet 1 of 2

See attached  
Key Note Sheet(s)

HASNO # <u>Q0303</u>	BOROUGH Bronx, Brooklyn, Manhattan (Queens), Staten Island	DATE <u>9/25/2015</u>	SITE NAME <u>LE FRAK CITY APTS</u>		ADDRESS <u>9610 57 AVE.</u>	
		SURVEYORS <u>TOM CIESIELSKI, PHIL DUFFIELD</u>		PHONE <u>(773) 517-7310</u>	ETAN <u>3640</u>	
				Evan Terry Associates Birmingham, AL 35243		

**TEMPORARY RAMPS**

1. The maximum running slope of a ramp must be 1:12 (8.33%) at every point along the ramp run. The maximum cross slope of a ramp at every point must be no more than 1:50 (2%).
2. The maximum rise of a ramp run must be 30 inches.
3. If existing space limitations of the site prohibit the use of a 1:12 slope or less, a ramp may have a maximum slope of 1:10 for a maximum rise of 6 inches or a maximum slope of 1:8 for a maximum rise of 3 inches.
4. The minimum clear width of a ramp must be 36 inches measured between handrails and edge protection.
5. The surface of the ramp must be slip-resistant.
6. The ramp must have a level landing (2% slope maximum in all directions) at the top and bottom of each run.
7. The landing must be at least as wide as the widest ramp run leading to it. The landing length must be 60 inches clear or more.
8. If the ramp changes direction at a landing, the minimum landing size must be 60 inches by 60 inches clear of all obstructions, including handrail extensions.
9. If the ramp rises more than 6 inches, it must have handrails on each side of the ramp.
10. If the handrails are not continuous, the horizontal surface at the top of the handrail must extend at least 12 inches beyond the top and bottom of the ramp run. Handrail extensions must be returned to a wall, guard, or the landing surface, or shall be continuous to the handrail of an adjacent ramp run.
11. Handrails must be parallel with the ramp surface.
12. The top of the handrail gripping surface shall be 34 inches minimum and 38 inches maximum above the ramp surface.
13. Handrails and any surfaces adjacent to them shall be free of sharp or abrasive elements. Handrail edges shall be rounded.
14. The ramp shall be located so that there is at least 1-1/2 inches of clear space between a handrail and a wall.
15. Handrail gripping surfaces shall be continuous along their length and shall not be obstructed along their tops or sides. The bottoms of handrail gripping surfaces shall not be obstructed for more than 20 percent of their length. Where provided, horizontal projections shall occur 1½ inches minimum below the bottom of the handrail gripping surface.
16. The outside diameter of a circular handrail must be between 1-1/2 and 2 inches. Handrails with equivalent graspability may be used if the maximum cross section dimension in any direction does not exceed 2.25" and the circumference is between 4" and 6.25".
17. Ramps and landings that have vertical drop-offs exceeding ¼" within 10" horizontally of the ramp or landing surface must have a curb or barrier for edge protection that prevents the passage of a 4" diameter sphere, where any portion of the sphere is within 4 inches of the finish floor or ground surface.
18. Landings subject to wet conditions shall prevent the accumulation of water.

<b>ADDRESS</b> 9610 57 AVENUE	<b>ETA#</b> 3640	<b>Evans Terry Associates</b> Birmingham, AL 35243
	<b>PHONE</b> (773) 517-7310	
<b>SITE NAME</b> LEFRACK CITY APTS	<b>SURVEYOR</b> Philip Duffield, Tom Ciesielski	
<b>DATE</b> 9 / 25 / 2015		
<b>BOROUGH</b> Bronx, Brooklyn, Manhattan, Queens, Staten Island		
<b>HASNO #</b> Q0303		

## EXHIBIT E

Issues	Photos of Site	Possible Solutions
No van accessible parking is provided.	0107 0108 0109 0110 0111 0112 0123 0124 0125 0126 0127 0128 0129	Re-stripe existing accessible and/or inaccessible parking spaces to provide the required number of van accessible spaces. Coordinate all accessible parking requirements: located on an accessible route, signage (ISA and VAN), compliant slope and cross slope, surface, etc. Also coordinate with state/local requirements. If re-striping reduces the total number of parking spaces, check zoning ordinance or other regulations with minimum requirements.  Solution Code: S38A3b
Ramp with a rise greater than 6 in. requires handrails on both sides of the ramp. Handrails required but are not provided.	098 099 0100	1. Provide portable ramp to be placed over existing ramp surface. Coordinate handrails, edge protection, and protruding object requirements. Solution Code: S38FF2a  2. Remove existing ramp and install compliant ramp with slope no greater than 1:1 (8.33%). Coordinate with requirements for cross slope, landings, handrails, and edge protection, except if slope becomes 0.5% ramp requirements do not apply. Solution Code: S38F0e
Protruding object (wall box) with leading edge between 27 in. and 80 in. AFF projects more than 4 in. from wall or 12 in. from post. Wall box projects 11.5 in. and 21.5 in. at 45.75 in. AFF.	048 049 050 051 052 053	1. Place a detectable object on the floor below wall box which may remove the hazard for election day. Solution Code: S38E0g  2. Relocate, remove, or construct or add a cane-detectable feature with lowest edge .27 in. AFF under protruding object to direct blind or vision-impaired individuals around protruding objects. If item is required to be accessible, comply with reach ranges, clear floor space, etc. Solution Code: S38E0a

Protruding object (fire extinguisher) between 27 in. and 80 in. AFF projects 6.5 in. at 46.25 in. AFF.	054 055 056 057	1. Refer to solution 1 above (solution code S38E0g).  2. Lower existing item into the range of cane detection or place a fixed cane detectable element below it.  Solution Code: S38E0c
Floor surface within required area for door maneuvering clearance is not level. Required width: 18 in. Existing width: 9 in.	025 061 062 063 064	1. Provide an accessibility clerk near the door to open it for voters during all voting hours.  Solution Code: S38G55e  2. Install compliant automatic opening device.  Solution Code: S38G4g
Existing door hardware cannot be grasped easily with one hand or requires tight grasping, pinching, or twisting of the wrist to operate. Door has a controlled entry security device.	085 088 089	Door requires a code, buzzer, button control, or key card for entry. Station volunteers at door to allow entry or arrange to have security personnel present to open doors for voters.  Solution Code: S38G4g
More than 5# is required to pull open an accessible interior door—11# door opening force.	085 087 088	1. If the door is a fire door, station volunteers nearby to open it for voters; otherwise either leave the door propped open during voting hours or use accessibility clerks. doors are propped open, maintain 36 in. clear width accessible route except for 32 width at door opening,  Solution Code: S38G8a  2. Adjust closer to provide compliant speed and force.  Solution Code: S38G8b



## **EXHIBIT F**

Political contributions by owners of polling places are strictly prohibited. A person who, being the owner of premises, contracted for or used as a place of registration or as a polling place for any election, or official primary, who makes, offers or promises to make political contributions to any party committee, candidate or person, or any person who makes, promises or offers to make any such political contribution as inducement for the hiring of premises owned by him or for use as a place of registration or polling place for any election or official primary, shall be guilty of misdemeanor (Election Law 17-164). No polling place shall be located on premises owned or leased by a person holding public office or who is a candidate for public office at primary or general election. [Election Law 4-104 (7)].

BOARD OF ELECTIONS IN THE CITY OF NEW YORK ("Licensee")

BOROUGH OF QUEENS  
Rome Leasing Limited Partnership ("Licensor")  
LICENSE AGREEMENT  
Primary Election(s), General Election, and Special Elections

July 01, 2016 - June 30, 2017

I, Marsilia A. Boyle, the undersigned, do hereby certify that I am the Agent for the owner of the building identified below, and having the legal authority to enter into this License, do hereby grant to Licensee a license to use the Licensed Premises at the times and for the purpose below:

- 1st
- As a place for holding the PRIMARY ELECTION(S) – on the 13<sup>th</sup> of September, 2016, from 5:00 A.M. and until the canvass is complete. Notification by mail will be given of any other date(s) and hours.
- 2nd
- As a place for holding the GENERAL ELECTION- on the 8th day of November, 2016, from 5:00 A.M. and until the canvass is complete. Notification by mail will be given of any other date(s) and hours
- 3rd
- As a place for holding any SPECIAL ELECTION (if necessary) from 5:00 A.M. and until the canvass is complete. - Notification by mail will give date(s) and hours.

In and for the following ELECTION DISTRICTS of the following ASSEMBLY DISTRICTS, County of QUEENS, City of New York:

ASSEMBLY DISTRICT	ELECTION DISTRICT(S)
35	015, 016, 017, 018, 025

The following premises, to wit:

Write in Streets or Avenues, between which above is located

Address of Polling Place:	The Continental Room at 96-10 57th Avenue (the "Licensed Premises")
City/State/Zip Code:	Corona, NY 11368
Polling Place Telephone Number:	718-271-5000 Ext.115
Voting systems delivery address:	96-10 57th Avenue
City/State/Zip Code:	Corona, NY 11368
Accessible Entrance Located at:	96-10 57th Avenue
Designated Poll Room(s):	The Continental Room
Available Floor Space:	Approximately 1,739 Square Feet
Name of Owner:	Rome Leasing Limited Partnership
Residence Address:	40 West 57 <sup>th</sup> Street
City/State/Zip Code:	New York, NY 10019
Telephone Number:	212-708-6600
E-Mail Address:	mboyle@lefrak.com
Licensor Representative	Marsilia A. Boyle
Residence Address:	40 West 57 <sup>th</sup> Street, NY, NY 10019
Telephone Number:	(212) 708-6652
REQUIRED EMERGENCY CONTACT:	
Name:	Randi Koch Nir, Esq., Mid City Security, 97-20 57 <sup>th</sup> Avenue, LL, Corona, NY 11368
Telephone Number:	(718) 575-4744
E-Mail Address:	RKochnir@midcitysecurity.com

The said Board of Elections to have uninterrupted possession and reasonable control of said Licensed Premises during any and all of the days and times required by law for the purposes aforesaid, and until the completion of the canvass on the day(s) of said PRIMARY ELECTION(S) viz., date(s) to be determined, said GENERAL ELECTION viz., November 8, 2016, and any necessary SPECIAL ELECTIONS viz. date(s) to be determined. The polling place is to remain open prior to and after the election (as specified by the Board of Elections) for pick up and delivery of voting systems including all related equipment and supplies. In the event of an emergency or a rerun of an election, the Licensor will be notified by the Licensee whether or not additional hours of access will be required and this License shall be extended to such additional dates/times.

The dates set forth for the above elections are the current statutorily mandated dates. These dates are subject to change by State Legislation or court order. The Licensee will notify the Licensor of any such change(s).

License fee for the within License to be SEVENTY DOLLARS (\$70.00) for each event for each ELECTION DISTRICT for which the premises are used for any of the said elections. In accordance with Section 4-104 of the Election Law, any person or entity which controls a building which has a tax exemption, tax abatement, subsidy, grant or loan for construction, renovation, rehabilitation or operation provided by any agency of the state or any political subdivision thereof shall not receive said payment. Any person or entity conducting any program, activity, or service for which a loan, grant, contract, subsidy or reimbursement provided by any agency of the state or any political subdivision thereof shall not receive said payment for the use of space under the control of such person or entity.

In consideration of which the undersigned agrees to provide the necessary electrical power and outlets to accommodate the voting system as well as light, heat and its normal Building security for the Licensed Premises for each of the aforesaid days of the election.

If required by the Licensee, the Licensor shall also furnish six chairs and one table per Election District (and one table and two chairs for a coordinator and/or information clerk) on said days. Licensee agrees that the Licensed Premises shall be accessed from the entrance on 57<sup>th</sup> Avenue at the corner of 96<sup>th</sup> Street. In the event that the Licensee determines that in order for said premises to be fully accessible to all persons as required by Section 4-104(1) of the Election Law, the Licensor agrees to direct persons needing ADA access to the lobby entrance of the building where they will be escorted to the elevator to the basement corridor leading to the Continental Room. If such premises are accessible to physically disabled voters by means of an alternate accessible entrance doors which must remain available for access; elevators which must be operational and usable by said voters; additional polling place room/space; or any other reasonable accommodations including by a means of a combination of such said accommodations for such voters, the undersigned agrees to provide such said accommodations as determined and agreed by the Licensee.

The License fee above mentioned is to be payable only if said Licensed premises are actually occupied and uninterruptedly used by the Board of Elections for the purposes above expressed, for such elections districts that are actually represented on election day and for such days as said premises are so used. Attached to this License is a schematic that shows the designated poll room in the premises where the elections will be held. This room cannot be changed without the written approval of the Commissioners of Elections in the City of New York.

See Rider Attached Hereto and made a part Hereof.

IN WITNESS WHEREOF, the parties hereto, by their duly authorized representatives, have executed this Lease Agreement this.....day of.....201.....

Lessee: The Board of Elections in the City of New York

By:

Barbara Connacchio 8/31/16  
Print Name Signature

Title:

Barbara Connacchio, Chief Clerk

By:

Bart J. Haggerty  
Print Name Signature

Title:

Bart Haggerty, Deputy Chief Clerk

Owner/Licensor:

By:

Marsilia A. Boyle  
Print Name Signature

Title:

Agent/Authorized Signatory

Make Check Payable to:

Rome Leasing Limited Partnership

Address:

40 West 57<sup>th</sup> Street

City/State/Zip Code:

New York, NY 10019

TABLES AND CHAIRS REQUIRED	
<input type="checkbox"/> YES	<input type="checkbox"/> NO
REQUIRED: TABLE__	CHAIRS__

NOTE: All costs in connection with the above-described premises and activities are contained in this lease.

The said Board of Elections to have uninterrupted possession and reasonable control of said Licensed Premises during any and all of the days and times required by law for the purposes aforesaid, and until the completion of the canvass on the day(s) of said PRIMARY ELECTION(S) viz., date(s) to be determined, said GENERAL ELECTION viz., November 8, 2016, and any necessary SPECIAL ELECTIONS viz. date(s) to be determined. The polling place is to remain open prior to and after the election (as specified by the Board of Elections) for pick up and delivery of voting systems including all related equipment and supplies. In the event of an emergency or a rerun of an election, the Licensor will be notified by the Licensee whether or not additional hours of access will be required and this License shall be extended to such additional dates/times.

The dates set forth for the above elections are the current statutorily mandated dates. These dates are subject to change by State Legislation or court order. The Licensee will notify the Licensor of any such change(s).

License fee for the within License to be SEVENTY DOLLARS (\$70.00) for each event for each ELECTION DISTRICT for which the premises are used for any of the said elections. In accordance with Section 4-104 of the Election Law, any person or entity which controls a building which has a tax exemption, tax abatement, subsidy, grant or loan for construction, renovation, rehabilitation or operation provided by any agency of the state or any political subdivision thereof shall not receive said payment. Any person or entity conducting any program, activity, or service for which a loan, grant, contract, subsidy or reimbursement provided by any agency of the state or any political subdivision thereof shall not receive said payment for the use of space under the control of such person or entity.

In consideration of which the undersigned agrees to provide the necessary electrical power and outlets to accommodate the voting system as well as light, heat and its normal Building security for the Licensed Premises for each of the aforesaid days of the election.

If required by the Licensee, the Licensor shall also furnish six chairs and one table per Election District (and one table and two chairs for a coordinator and/or information clerk) on said days. Licensee agrees that the Licensed Premises shall be accessed from the entrance on 57<sup>th</sup> Avenue at the corner of 96<sup>th</sup> Street. In the event that the Licensee determines that in order for said premises to be fully accessible to all persons as required by Section 4-104(1) of the Election Law, the Licensor agrees to direct persons needing ADA access to the lobby entrance of the building where they will be escorted to the elevator to the basement corridor leading to the Continental Room. If such premises are accessible to physically disabled voters by means of an alternate accessible entrance doors which must remain available for access; elevators which must be operational and usable by said voters; additional polling place room/space; or any other reasonable accommodations including by a means of a combination of such said accommodations for such voters, the undersigned agrees to provide such said accommodations as determined and agreed by the Licensee.

The License fee above mentioned is to be payable only if said Licensed premises are actually occupied and uninterruptedly used by the Board of Elections for the purposes above expressed, for such elections districts that are actually represented on election day and for such days as said premises are so used. Attached to this License is a schematic that shows the designated poll room in the premises where the elections will be held. This room cannot be changed without the written approval of the Commissioners of Elections in the City of New York.

See Rider Attached Hereto and made a part Hereof.

IN WITNESS WHEREOF, the parties hereto, by their duly authorized representatives, have executed this Lease Agreement this.....day of.....201\_\_\_\_\_

Lessee: The Board of Elections in the City of New York

By: \_\_\_\_\_  
Print Name Signature  
Title: Barbara Connacchio, Chief Clerk

By: \_\_\_\_\_  
Print Name Signature  
Title: Bart Haggerty, Deputy Chief Clerk

Owner/Licensor:  
By: Marsilia A. Boyle \_\_\_\_\_  
Print Name Signature  
Title: Agent/Authorized Signatory

Make Check Payable to: Rome Leasing Limited Partnership

Address: 40 West 57<sup>th</sup> Street

City/State/Zip Code: New York, NY 10019

TABLES AND CHAIRS REQUIRED	
<input type="checkbox"/> YES	<input type="checkbox"/> NO
REQUIRED: TABLE__	CHAIRS__

MICHAEL MICHEL  
PRESIDENT  
  
BIANKA PEREZ  
SECRETARY  
  
JOSE MIGUEL ARAUJO,  
RONALD CASTORINA, JR.  
JOHN FLATEAU  
MARIA GUASTELLA  
MICHAEL A. RENDINO  
ALAN SCHULKIN  
SIMON SHAMOUN  
FREDERIC M. UMANE

COMMISSIONERS



## BOARD OF ELECTIONS

IN  
THE CITY OF NEW YORK  
EXECUTIVE OFFICE, 32 BROADWAY  
NEW YORK, NY 10004-1609  
(212) 487-5300  
www.vote.nyc.ny.us

MICHAEL J. RYAN  
EXECUTIVE DIRECTOR  
  
DAWN SANDOW  
DEPUTY EXECUTIVE DIRECTOR  
  
PAMELA GREEN PERKINS  
ADMINISTRATIVE MANAGER  
  
GEORGEA KONTZAMANIS  
OPERATIONS MANAGER  
  
STEVEN H. RICHMAN  
GENERAL COUNSEL  
Tel: (212) 387-5338  
Fax: (212) 487-5342  
E-Mail:  
srlichman@bos.nyc.ny.us

### INDEMNIFICATION AGREEMENT

The annexed "Poll Site Lease Agreement" is hereby amended to add the following:

The Board shall represent, defend, hold harmless and indemnify the lessor against any claims for personal injury or property damage arising out of the use of the premises by the Board, provided however that this obligation of the Board shall not extend to any injury or damage caused by the negligence of the lessor, its officers, employees or agents. The lessor shall provide the Board with written notice of the filing of any claim that is subject to this Agreement within fifteen (15) days of receipt of such claim, and shall cooperate and assist the Board in the defense of the claim. Failure by the lessor to provide such written notice and cooperation shall relieve the Board of its obligation to represent, defend, hold harmless and indemnify lessor under this Agreement.

THE BOARD OF ELECTIONS  
IN THE CITY OF NEW YORK

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

NAME OF LESSOR:

ROME LEASING LIMITED PARTNERSHIP

By: MARGILIA A. BOYLE

Name: *Margilia A. Boyle*

Title: AUTHORIZED SIGNATORY

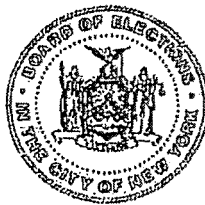
Date: 8/31/16

Approved as to form until 12/31/16:

*Sheron Cantor*  
Acting Corporation Counsel

MAR 17 2015

2015-009879



MICHAEL MICHEL  
PRESIDENT

BIANKA PEREZ  
SECRETARY

JOSE MIGUEL ARAUJO.  
RONALD CASTORINA, JR.  
JOHN FLATEAU  
MARIA GUASTELLA  
MICHAEL A. RENDINO  
ALAN SCHULKIN  
SIMON SHAMOUN  
FREDERIC M. UMANE

COMMISSIONERS

## BOARD OF ELECTIONS

IN  
THE CITY OF NEW YORK  
EXECUTIVE OFFICE, 32 BROADWAY  
NEW YORK, NY 10004-1609  
(212) 487-5300  
[www.vote.nyc.ny.us](http://www.vote.nyc.ny.us)

MICHAEL J. RYAN  
EXECUTIVE DIRECTOR

DAWN SANDOW  
DEPUTY EXECUTIVE DIRECTOR

PAMELA GREEN PERKINS  
ADMINISTRATIVE MANAGER

GEORGEA KONTZAMANIS  
OPERATIONS MANAGER

STEVEN H. RICHMAN  
GENERAL COUNSEL  
Tel: (212) 387-5338  
Fax: (212) 487-5342  
E-Mail:  
[srichman@bos.nyc.ny.us](mailto:srichman@bos.nyc.ny.us)

### INDEMNIFICATION AGREEMENT

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THE BOARD OF ELECTIONS  
IN THE CITY OF NEW YORK

By: Barbara Conzelin  
Name: Barbara Conzelin  
Title: Chief Clerk  
Date: 8-31-16

NAME OF LESSOR:

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

Approved as to form until 12/31/16:

Sharon Cantor  
Acting Corporation Counsel

MAR 17 2015

2015-009879



## EXHIBIT G

[KCoughlin@boe.nyc.ny.us](mailto:KCoughlin@boe.nyc.ny.us)

BOARD OF ELECTIONS IN THE CITY OF NEW YORK QUEENS COUNTY OFFICE  
118-35 QUEENS BOULEVARD, 11th FLOOR  
FOREST HILLS, NEW YORK 11375

BOARD OF ELECTIONS in the CITY OF NEW YORK For more information call 866-VOTE-NYC, TTY 212-487-5496 or visit our website at [vote.nyc.ny.us](http://vote.nyc.ny.us) Be sure to sign up for our email updates to stay connected with the Board of Elections in the City of New York.

Please follow us on:

[facebook.com/VoteTheNewWayNY](https://facebook.com/VoteTheNewWayNY)

[twitter.com/#!/BOENYC](https://twitter.com/#!/BOENYC)

[instagram.com/boenyc](https://instagram.com/boenyc)

[youtube.com/user/VotetheNewWayNYC](https://youtube.com/user/VotetheNewWayNYC)

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This message is intended for the exclusive use of the recipient(s) named above and may contain information that is privileged and confidential. If you are not an intended recipient, you are hereby notified that any disclosure, dissemination, distribution or copying of this communication or its contents is strictly prohibited. If you have received this communication in error, please delete this message and any attachments and notify me immediately by replying to this message. Thank you.

-----Original Message-----

From: MBOYLE@lefrak.com [mailto:MBOYLE@lefrak.com]

Sent: Monday, May 08, 2017 11:28 AM

To: Kenneth Coughlin

Cc: mjackness@lefrak.com; SLewis@LeFrak.com; ebenudis@lefrak.com; DBernhardt@lefrakcity.com;

RKochNir@midcitysecurity.com

Subject: BOE Lease Agreement

Dear Ken

We received the notice for renewal of the polling place agreement at LeFrak City in the mail. As per usual it does not contain the necessary modifications to the form that we have used each year for the renewal. I have copied you on the existing agreement. Please provide a revised form, either filled out or as a Word document where we can make the necessary changes.

Please also include the indemnification executed by the City.

Thank you

Marcy Boyle

Marsilia A. Boyle  
Senior Vice President  
The LeFrak Organization  
40 West 57th Street  
23rd Floor  
New York, NY 10019  
Phone: 212 708 - 6652  
Fax: 212 708 - 6653

Legal Disclaimer:

## **EXHIBIT H**



40 WEST 57TH STREET  
23RD FLOOR  
NEW YORK, NEW YORK 10019

T: +1 212 708 6600  
LEFRAK.COM

August 18, 2017

Michael Kelly, Executive Director  
New York City Board of Elections  
32-42 Broadway, 7 Fl.  
New York, NY 10004

Dear Mr. Kelly:

I'm writing regarding the removal of the poll location at 96-10 57<sup>th</sup> Avenue in LeFrak City. As you may be aware, this poll location (known as the "Continental Room") has been in use for decades. LeFrak City has been proud to host a poll location and grateful that its ease and proximity encourage all of our residents to vote.

On May 8, 2017 we received from the Board of Elections ("BOE") a renewal form for the use of the Continental Room as a poll location for the period ending June 30, 2017. Because the form we received was not the most current one, I immediately contacted you and provided you with the updated form of agreement that we had used together over the last several years. Suddenly and to our great surprise, on May 15 Mr. Kenneth Coughlin of the BOE wrote to advise that LeFrak City would no longer be used as a poll site.

In an effort to retain the poll site at LeFrak City, our representatives contacted the BOE General Counsel's office and on May 30 and spoke at length with BOE staff regarding the use of the Continental Room. Our representatives were told that the Continental Room did not meet the minimum ADA requirements to operate as a poll location. Our representatives requested, should it be feasible to rectify the ADA issues, that the BOE reconsider and locate the poll site back to LeFrak City in 2017 at either the Continental Room or another suitable location. BOE staff responded that it would be unable return the poll location to LeFrak City for 2017 under any circumstances. However, BOE staff did suggest that they would consider the site in 2018 or future elections if the ADA issues could be resolved. The BOE General Counsel's office forwarded their independent consultant's ADA report to us for review in order to understand the issues which would need to be addressed for the future.

Nevertheless, we attempted to find alternate locations for the poll site for 2017. On June 14, our representatives identified another location in LeFrak City and emailed the address for consideration to the BOE. Our representatives were informed via telephone that the registered voters at LeFrak

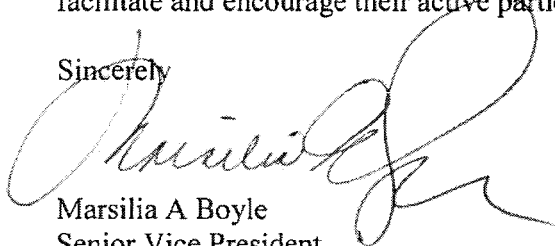
City had already been reassigned to a poll site at a nearby school and declined further consideration of our suggested alternative.

Attached are copies of all the above referenced correspondence.

More recently, on August 10, without prior notice to us, you personally appeared at LeFrak City and took detailed measurements of the Continental Room and other locations including the building's lobby. It appears that you found the locations unsuitable for your needs. We would welcome the opportunity to offer the Continental Room or additional alternative locations in LeFrak City for use as poll locations in 2017, 2018 or beyond. We surely can imagine many other potential locations and we are willing to work hard on the operational details.

Please feel free to contact me should you wish to pursue this. The LeFrak family and staff remain committed to the best interests of our residents and we believe that maintaining a polling place at LeFrak City is not merely a great convenience to our more than 20,000 residents but the best way to facilitate and encourage their active participation in the democratic process.

Sincerely



Marsilia A Boyle  
Senior Vice President

Cc : George Fontas

## **EXHIBIT I**





July 26, 2017

Mr. Frederic M. Umane  
President  
New York City Board of Elections  
Executive Office  
32-42 Broadway, 7<sup>th</sup> Floor  
New York, NY 10004

RE: Request for Restoration of Voting Stations at LeFrak City

Dear President Umane,

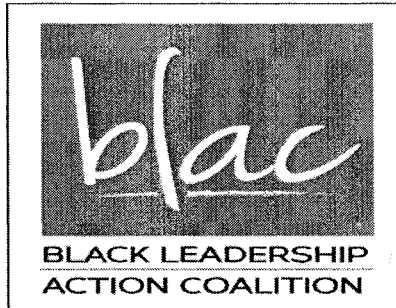
I am writing to request that the New York City Board of Elections (NYCBE) immediately restore the District 21 voting stations at LeFrak City – and that it maintain those stations there at least through the end of the 2017 election cycle. Therefore, I am requesting that the NYCBE conduct community meetings throughout Council District 21 to allow the residents to voice their preference as to where their voting stations will be located.

Forcing the residents of LeFrak City to go elsewhere to vote is nothing more than a blatant attempt to discourage them from voting at all. As such, it amounts to a new form of voter suppression.

Making it harder for people to vote is a political tactic that we normally associate with Southern states and ultra-conservative politics. Unfortunately, in this case, it's the Queens Board of Elections that is utilizing this unsavory tactic in order to make it harder for voters to voice their support and exercise their constitutional right.

In the past, minority voters have been held back by things like polling taxes and literacy tests. Now, they're being disenfranchised by moving the very place where they can cast their vote and have cast their vote for years.

Via a separate letter, I have requested that the New York State Board of Elections and the Voting Section of the U.S. Department of Justice's Civil Rights Division conduct a joint investigation concerning the decision to remove the voting stations from LeFrak City. In this regard, I would ask that you and your staff fully cooperate with all aspects of that investigation.



Sincerely,

Bertha Lewis  
Founder and President

cc: Mr. Michael J. Ryan, Executive Director, New York City Board of Elections  
Jose M. Araujo, Commissioner, Queens County Board of Elections  
Michael Michel, Commissioner, Queens County Board of Elections  
Barbara Conacchio, Chief Clerk, Queens County Board of Elections  
Eric T. Schneiderman, New York State Attorney General  
Bridget Rohde, Acting U.S. Attorney, New York State Eastern District

DRAFT

## EXHIBIT J



July 26, 2017

Todd D. Valentine, Co-Executive Director  
Robert A. Brehm, Co-Executive Director  
New York State Board of Elections  
40 North Pearl Street  
5<sup>th</sup> Floor  
Albany, NY 12207

RE: Investigation

Dear Mr. Valentine and Mr. Brehm,

I am writing to request that your agencies immediately undertake an investigation to determine why the voting stations at LeFrak City were recently moved to a new, and much less convenient, location. In this regard, some of the facts behind my request are as follows:

- There are more than 20,000 residents in LeFrak City, which includes twenty 15-story towers that are spread out over 40 acres.
- A large percentage of LeFrak City's residents are minorities – and many of them are elderly or disabled.
- LeFrak City is part of Queens Community Board 4.
- LeFrak City has served as the site of the City Council District 21 polling location for at least thirty-five years.
- The decision to relocate the City Council District 21 voting stations was made by the Queens County Board of Elections.
- The new location for the City Council District 21 voting stations is approximately a half a mile from LeFrak City.

Forcing the residents of LeFrak City to go elsewhere to vote is nothing more than a blatant attempt to discourage them from voting at all. As such, it amounts to a new form of voter suppression.

Making it harder for people to vote is a political tactic that we normally associate with Southern states and ultra-conservative politics. Unfortunately, in this case, it's the Queens County Board of Elections that is utilizing this unsavory tactic in order to make it harder for voters to voice their support.

In the past, minority voters have been held back by things like polling taxes and literacy tests. Now, they're being disenfranchised by moving the very place where they can cast their vote.



Via a separate letter, I have requested that the New York City Board of Elections restore LeFrak City as the location for the District 21 voting stations at least through the end of the 2017 election cycle. Thereafter, I have requested that they conduct community meetings throughout District 21 to allow the residents to voice their preference as to where their voting stations will be located.

Sincerely,

Bertha Lewis  
Founder and President

cc: Mr. Michael J. Ryan, Executive Director, New York City Board of Elections  
Jose M. Araujo, Commissioner, Queens County Board of Elections  
Michael Michel, Commissioner, Queens County Board of Elections  
Barbara Conacchio, Chief Clerk, Queens County Board of Elections  
Eric T. Schneiderman, New York State Attorney General  
Bridget Rohde, Acting U.S. Attorney, New York State Eastern District

## **EXHIBIT K**





August 7, 2017

Mr. Michael J. Ryan  
Executive Director  
New York City Board of Elections  
Executive Office  
32-42 Broadway – 7<sup>th</sup> Floor  
New York, NY 10004

RE: Request For Restoration Of Voting Stations In LeFrak City

Dear Executive Director Ryan:

I am writing as a follow-up to my July 26, 2017 letter to Mr. Frederic M. Umane, the President of the New York City Board of Elections (NYCBOE), concerning the relocation of the District 21 voting stations at LeFrak City – and in response to the recent decision to cancel the meeting had previously been scheduled for today between The Black Institute (TBI) and the Queens County Board of Elections (QCBOE) to discuss that matter in more detail. In this regard, I am hereby requesting that, per the applicable sections of New York State's Freedom Of Law (Public Officer Law, Article 6), you provide me with the following information and materials:

- Copies of the "Minutes" of all meetings of the NYCBOE during the past twelve (12) months, both formal and informal, in which the topic of the possible relocation of the District 21 voting stations at LeFrak City was discussed;
- Copies of any resolutions that were proposed by any member of the NYCBOE during the past twelve (12) months regarding the possible relocation of the District 21 voting stations at LeFrak City;
- Copies of the records regarding any formal votes that were taken by the NYCBOE during the past twelve (12) months regarding the possible relocation of the District 21 voting stations at LeFrak City;
- Copies of any correspondence, in any format, that any member of the NYCBOE has received or sent during the past twelve (12) months regarding the possible relocation of the District 21 voting stations at LeFrak City;
- Copies of any notices, in any format, that the NYCBOE has issued during the past twelve (12) months regarding the possible relocation of the District 21 voting stations at LeFrak City;
- Copies of the notices regarding any public meetings that the NYCBOE has held during the past twelve (12) months regarding the possible relocation of the District 21 voting stations at LeFrak City;
- Copies of the "Minutes" of any public meetings that the NYCBOE has held during the past twelve (12) months regarding the possible relocation of the District 21 voting stations at LeFrak City;
- A list of all the polling site visits that were made by the NYCBOE's Assembly District Monitors during the period from 2008 through 2016 – and copies of any reports that they filed after those visits;



- A list of all the polling site visits that were made by the NYCBOE's Polling Site Coordinators during the September 2012 Primary Elections – and copies of any reports that they filed after those visits;
- A list of the individuals and entities to whom the NYCBOE sent a copy of the "Remedial Order" that was issued by the U.S. District Court in the *Disabled In Action v. Board of Elections In The City Of New York* case on October 18, 2012;
- The name of the "Third Party Expert" who examined all the voting stations in Queens County following the issuance of the "Remedial Order" that was issued by the U.S. District Court in the *Disabled In Action v. Board of Elections In The City Of New York* case on October 18, 2012;
- A copy of any reports that were created by the "Third Party Expert" with respect to the voting stations in Queens County;
- A list of the criteria that were used by the NYCBOE to create the schedule for replacing voting stations within Queens County that were deemed to be out-of-compliance with the *Americans with Disabilities Act (ADA)* requirements – and a list of any other criteria that were also considered for that purpose;
- A list of all the other voting stations in Queens County that are out-of-compliance with the *ADA* requirements – and a copy of the schedule as to when they will be replaced; and
- Copies of any other documents, recordings and/or records that are in the possession of the NYCBOE concerning its decision to relocate the District 21 voting stations at LeFrak City.

In addition to the above, I am hereby requesting that the NYCBOE provide me with answers to the following questions on or before August 14, 2017:

- Who actually made the decision to move the voting stations from LeFrak City for the 2017 elections?
- When was the decision made to move the voting stations from LeFrak City for the 2017 elections?
- Given that many of the voting stations in New York City have been out-of-compliance with the *ADA* requirements since at least 2008 – and given that the decision in the *Disabled In Action v. Board of Elections In The City Of New York* case was rendered in May 2014 – why was the decision to move the LeFrak City voting stations made now and without any lead-time to find a suitable alternative?
- Why were the LeFrak City voting stations selected for replacement now versus all of the other voting stations in Queens County that are out-of-compliance with the *ADA* requirements: i.e., are the LeFrak City voting stations the worst in Queens County?
- Who was informed by the NYCBOE about the decision to move the voting stations from LeFrak City for the 2017 elections – and when did that occur?
- Why were other community groups not informed about the determination to move the voting stations from LeFrak City for the 2017 elections?
- Can the former voting stations in LeFrak City be used for the 2017 elections – and then replacement sites be identified on or before March 31, 2018? If not, why not?
- Who made the decision as to the specific replacement locations for the former voting stations in LeFrak City?
- When was the decision made as to the specific replacement locations for the former voting stations in LeFrak City?



- What other sites, if any, were considered as possible replacement locations for the former voting stations in LeFrak City?
- What criteria were used to select the specific replacement locations for the former voting stations in LeFrak City?
- Did the NYCBOE confer with any candidates and/or their campaigns prior to making – and announcing – the decision to replace the former LeFrak voting stations?
- Can the number of people assigned to the LeFrak voting stations be temporarily reduced in order to make them acceptable polling locations for the 2017 elections? If not, why not?
- Can the number of people assigned to the LeFrak City polling locations be permanently reduced in order to make them acceptable polling locations for future elections? If not, why not?
- Could one or more ADA -compliant portable office trailers be installed at agreed upon locations in LeFrak City – and used as voting stations for the upcoming elections? If so, how large would these units have to be?
- Could one or more ADA -compliant portable office trailers be installed at agreed upon locations in LeFrak City – and used as voting stations for all future elections? If so, how large would these units have to be?
- If a mutually acceptable solution to the current problem can not be reached, will the NYCBOE voluntarily agree to bring this matter back to the U.S. District Court – and request an expedited decision?
- Will the NYCBOE agree to adopt a policy that will, henceforth, require it to publicly announce, on its website and via an appropriate “Press Release”, any proposed change in the location of a polling site at least one hundred twenty (120) days prior to the implementation date of the change – and to hold at least three (3) open public meetings before any such change is implemented?

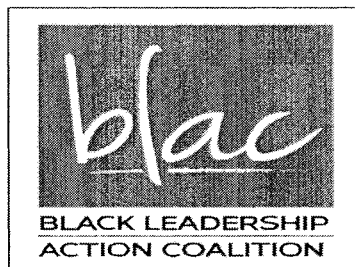
As you know, I have already requested that the New York State Board of Elections and the Voting Section of the U.S. Department of Justice’s Civil Rights Division conduct a joint investigation concerning the decision to remove the voting stations from LeFrak City. In this regard, I continue to request that you and your staff fully cooperate with all aspects of that investigation.

Sincerely,

Bertha Lewis  
Founder and President

cc: New York State Board of Elections  
Queens County Board of Elections  
U.S. Department of Justice’s Civil Rights Division – Voting Section

## EXHIBIT L



August 7, 2017

Jose M. Araujo, Commissioner  
Michael Michel, Commissioner  
Barbara Conacchio, Chief Clerk  
Bart Haggarty, Deputy Chief Clerk  
Queens County Board of Elections  
118-35 Queens Boulevard  
Forest Hills, NY 11375

**FAXED & MAILED ON SAME DATE**

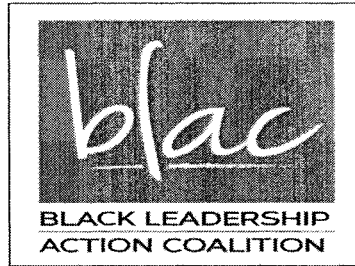
**FAX NUMBER: (718) 459-3384**

RE: Request For Restoration Of Voting Stations In LeFrak City

Dear Mr. Araujo, Mr. Michel, Ms. Conacchio and Mr. Haggarty:

I am writing as a follow-up to the recent decision to cancel the meeting that we had previously scheduled for today to discuss the above-referenced matter in more detail. In this regard, I am hereby requesting that, per the applicable sections of New York State's Freedom Of Law (Public Officer Law, Article 6), you provide me with the following information and materials:

- Copies of the "Minutes" of all meetings of the Queens County Board of Elections (QCBOE) during the past twelve (12) months, both formal and informal, in which the topic of the possible relocation of the District 21 voting stations at LeFrak City was discussed;
- Copies of any resolutions that were proposed by any member of the QCBOE during the past twelve (12) months regarding the possible relocation of the District 21 voting stations at LeFrak City;
- Copies of the records regarding any formal votes that were taken by the QCBOE during the past twelve (12) months regarding the possible relocation of the District 21 voting stations at LeFrak City;
- Copies of any correspondence, in any format, that any member of the QCBOE has received or sent during the past twelve (12) months regarding the possible relocation of the District 21 voting stations at LeFrak City;
- Copies of any notices, in any format, that the QCBOE has issued during the past twelve (12) months regarding the possible relocation of the District 21 voting stations at LeFrak City;
- Copies of the notices regarding any public meetings that the QCBOE has held during the past twelve (12) months regarding the possible relocation of the District 21 voting stations at LeFrak City;
- Copies of the "Minutes" of any public meetings that the QCBOE has held during the past twelve (12) months regarding the possible relocation of the District 21 voting stations at LeFrak City;
- A list of all the polling site visits that were made by the QCBOE's Assembly District Monitors during the period from 2008 through 2016 – and copies of any reports that they filed after those visits;
- A list of all the polling site visits that were made by the QCBOE's Polling Site Coordinators during the September 2012 Primary Elections – and copies of any reports that they filed after those visits;
- A list of the individuals and entities to whom the QCBOE sent a copy of the "Remedial Order" that was issued by the U.S. District Court in the *Disabled In Action v. Board of Elections In The City Of New York* case on October 18, 2012;



- The name of the “Third Party Expert” who examined all the voting stations in Queens County following the issuance of the “Remedial Order” that was issued by the U.S. District Court in the *Disabled In Action v. Board of Elections In The City Of New York* case on October 18, 2012;
- A copy of any reports that were created by the “Third Party Expert” with respect to the voting stations in Queens County;
- A list of the criteria were used by the QCBOE to create the schedule for replacing voting stations within Queens County that were deemed to be out-of-compliance with the *Americans with Disabilities Act (ADA)* requirements – and a list of any other criteria that were also considered for that purpose;
- A list of all the other voting stations in Queens County that are out-of-compliance with the ADA requirements – and a copy of the schedule as to when they will be replaced; and
- Copies of any other documents, recordings and/or records that are in the possession of the QCBOE concerning its decision to relocate the District 21 voting stations at LeFrak City.

In addition to the above, I am hereby requesting that the QCBOE provide me with answers to the following questions on or before August 14, 2017:

- Who actually made the decision to move the voting stations from LeFrak City for the 2017 elections?
- When was the decision made to move the voting stations from LeFrak City for the 2017 elections?
- Given that many of the voting stations in New York City have been out-of-compliance with the ADA requirements since at least 2008 – and given that the decision in the *Disabled In Action v. Board of Elections In The City Of New York* case was rendered in May 2014 – why was the decision to move the LeFrak City voting stations made now and without any lead-time to find a suitable alternative?
- Why were the LeFrak City voting stations selected for replacement now versus all of the other voting stations in Queens County that are out-of-compliance with the ADA requirements: i.e., are the LeFrak City voting stations the worst in Queens County?
- Who was informed by the QCBOE about the decision to move the voting stations from LeFrak City for the 2017 elections – and when did that occur?
- Why were other community groups not informed about the determination to move the voting stations from LeFrak City for the 2017 elections?
- Can the former voting stations in LeFrak City be used for the 2017 elections – and then replacement sites be identified on or before March 31, 2018? If not, why not?
- Who made the decision as to the specific replacement locations for the former voting stations in LeFrak City?
- When was the decision made as to the specific replacement locations for the former voting stations in LeFrak City?
- What other sites, if any, were considered as possible replacement locations for the former voting stations in LeFrak City?
- What criteria were used to select the specific replacement locations for the former voting stations in LeFrak City?
- Did the QCBOE confer with any candidates and/or their campaigns prior to making – and announcing – the decision to replace the former LeFrak voting stations?





- Can the number of people assigned to the LeFrak voting stations be temporarily reduced in order to make them acceptable polling locations for the 2017 elections? If not, why not?
- Can the number of people assigned to the LeFrak City polling locations be permanently reduced in order to make them acceptable polling locations for future elections? If not, why not?
- Could one or more ADA -compliant portable office trailers be installed at agreed upon locations in LeFrak City – and used as voting stations for the upcoming elections? If so, how large would these units have to be?
- Could one or more ADA -compliant portable office trailers be installed at agreed upon locations in LeFrak City – and used as voting stations for all future elections? If so, how large would these units have to be?
- If a mutually acceptable solution to the current problem cannot be reached, will the QCBOE voluntarily agree to bring this matter back to the U.S. District Court – and request an expedited decision?
- Will the QCBOE agree to adopt a policy that will, henceforth, require it to publicly announce, on its website and via an appropriate “Press Release”, any proposed change in the location of a polling site at least one hundred twenty (120) days prior to the implementation date of the change – and to hold at least three (3) open public meetings before any such change is implemented?

Forcing the residents of LeFrak City to go elsewhere to vote is nothing more than a blatant attempt to discourage them from voting at all. As such, it amounts to a new form of voter suppression.

Making it harder for people to vote is a political tactic that we normally associate with Southern states and ultra-conservative politics. Unfortunately, in this case, it's the QCBOE that is effectively disenfranchising hundreds of local voters.

Via a separate letter, I have requested that the New York State Board of Elections and the Voting Section of the U.S. Department of Justice's Civil Rights Division conduct a joint investigation concerning the decision to remove the voting stations from LeFrak City. In this regard, I would ask that you and your staff fully cooperate with all aspects of that investigation.

Sincerely,

Bertha Lewis  
Founder and President

cc: New York City Board of Elections  
New York State Board of Elections  
U.S. Department of Justice's Civil Rights Division – Voting Section

## **EXHIBIT M**



August 18, 2017

Jose M. Araujo, Commissioner  
Michael Michel, Commissioner  
Queens County Board of Elections  
118-35 Queens Boulevard  
Forest Hills, NY 11375

**FAXED & MAILED ON SAME DATE**  
**FAX NUMBER: (718) 459-3384**

RE: Polling Sites In LeFrak City

Dear Commissioners:

I am writing, on behalf of the Black Leadership Action Coalition (BLAC), as a follow-up to my August 7, 2017 letter to the Queens County Board of Elections (QCBOE) regarding the relocation of the polling site at The Continental Room that has been used by the residents of LeFrak City for the past 50+ years. After doing some additional research on this matter – and after discussing the situation with representatives from the New York City Board of Elections (NYCBOE) and the Voting Section of the Department of Justice's (DOJ) Civil Rights Division – we now understand that the problem concerning The Continental Room is that it is simply not large enough, per the applicable standards of the *Americans With Disabilities Act (ADA)*, to accommodate all the voters from LeFrak City who utilize it (Note: There is also another minor ADA-related issue concerning the slope that leads to the entrance of the location but we have been advised that problem can be easily fixed).

During the course of its meeting on August 15, 2017, the NYCBOE made it clear that it was up to the QCBOE as to how to solve the above-referenced problem concerning The Continental Room. In this regard, BLAC has now identified three potential solutions that would allow the residents of LeFrak City to vote in their own community in the upcoming Primary Elections on September 12, 2017 – and in all the ensuing elections after that:

- Solution #1: Identify one or two more locations within LeFrak City that can be used, in addition to The Continental Room, as polling sites for LeFrak City voters (Note: I have been informed that there are several such locations that could be used as auxiliary polling sites). Clearly, if you can utilize multiple polling sites *outside of* LeFrak City, you can utilize multiple polling sites *within* LeFrak City. The greatest feature of this solution is that it would cost virtually nothing to implement.
- Solution #2: Do a build-out of the area that is adjacent to The Continental Room – which would increase the size of the polling site there and make it *ADA*-compliant. Other than the minor cost of the build-out, this solution would also cost nothing – and it would have the added benefit of keeping all the voters in LeFrak City assigned to one polling site.
- Solution #3: Set up a temporary mobile trailer on an appropriate *ADA*-compliant location within LeFrak City – and assign enough voters to use that as their polling site so that The Continental Room also becomes *ADA*-compliant. In this regard, we have already spoken to several companies that can deliver a fully-compliant mobile unit in time for the September elections – and leave it there through the November elections.



During the course of its meeting on August 15, 2017, the NYCBOE also indicated that the LeFrak Corporation was quite willing to do whatever it could to help ensure that the residents of LeFrak City are able to vote within their own community in all future elections. That willingness was further evidenced in the attached letter that you recently received from Marsilia A. Boyle, a Senior Vice President at LeFrak Corporation, wherein she indicated that *"The LeFrak family and staff remain committed to the best interests of our residents and we believe that maintaining a polling place at LeFrak City is not merely a great convenience to our more than 20,000 residents but the best way to facilitate and encourage their active participation in the democratic process"*.

I look forward to discussing the solutions that BLAC has identified – and to working with you to ensure that the voters in LeFrak City, especially the elderly and disabled, are not disrupted and/or disenfranchised by forcing them to travel to travel to new voting sites up to a half-mile away from their homes.

Sincerely,

Bertha Lewis  
Founder and President

PS/BLAC, the LeFrak Tenants Association, and the LeFrak City Tenants League have already assured the NYCBOE that we will take appropriate steps to ensure that every voter in LeFrak City knows where to go to vote on September 12, 2017. In this regard, we will post an *electronic notice* on our respective websites – and deliver a *written notice* to each resident of LeFrak City – as to their specific polling site.

cc: New York City Board of Elections  
New York State Board of Elections  
U.S. Department of Justice's Civil Rights Division – Voting Section  
Governor Andrew Cuomo  
Attorney General Eric Schneiderman  
Mayor Bill de Blasio  
NYC Comptroller Scott Stringer  
NYC Public Advocate Leticia James  
Queens Borough President Melinda Katz  
U.S. Congressman Joseph Crowley  
Councilwoman Julissa Ferreras-Copeland

**Shana Broyard-Fludd**

---

**From:** Marcy Boyle  
**Sent:** Thursday, August 17, 2017 4:54 PM  
**To:** Shana Broyard-Fludd  
**Subject:** FW: BOE Lease Agreement

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Marcy

Marsilia A. Boyle  
Senior Vice President  
The LeFrak Organization  
40 W. 57th Street, 23rd Fl.  
New York, NY 10019  
T: 212-708-6652

-----Original Message-----

**From:** Kenneth Coughlin [mailto:KCoughlin@boe.nyc.ny.us]  
**Sent:** Monday, May 15, 2017 2:58 PM  
**To:** Marcy Boyle  
**Cc:** Meredith Jackness; Sean Lewis; Elissa Benudis; David Bernhardt; Randi Koch Nir; Heide Wilcox  
**Subject:** RE: BOE Lease Agreement

Good afternoon Ms. Boyle

The Queens Board of Elections will not be using the Lefrak City Apartments this Election Cycle.

On behalf of the Queens Board of Election I would like to thank you for the years of accommodating us as an Election Day Polling Site.

The use of the Continental Room was a great help to us and the voting community.

Once again thank you for all your assistance and service.

Best Regards,

Ken Coughlin

Kenneth Coughlin  
Administrative Associate  
POLL WORKER  
TEL:718-730-6769  
FAX:718-459-2754



**BLACK LEADERSHIP  
ACTION COALITION**

August 21, 2017

**FAXED & MAILED ON SAME DATE**

**FAX # (212) 487-5349**

Michael J. Ryan  
Executive Director  
New York City Board of Elections  
Executive Office  
32-42 Broadway – 7<sup>th</sup> Floor  
New York, NY 10004

RE: Follow-Up

Dear Executive Director Ryan:

We are writing as a follow-up to our discussions at the August 15, 2017, meeting of the New York City Board of Elections (NYCBOE) regarding the location of polling sites for residents of LeFrak City. In this regard, we want to state for the record that as soon as the NYCBOE selects a location to serve as a second polling site for LeFrak City residents and decides which Voting District(s) will be assigned to vote there, our three organizations – i.e., the Black Leadership Action Coalition, the LeFrak City Tenants Association, and the LeFrak City Tenants League – will work together to ensure that every resident of LeFrak City receives both an *electronic notice* and a *written notice* regarding the appropriate location for them to vote on Tuesday, September 12, 2017.

More specifically, we will post an *electronic notice* on all our organizations' websites regarding the locations that will serve as polling sites for residents of LeFrak City for the upcoming election – and indicate which specific residents have been assigned to each of those locations. In addition, we will also recruit a sufficient number of volunteers to hand-deliver a *written notice* regarding the assigned polling location to each of the residents of LeFrak City.

We appreciate the cooperation that the NYCBOE has shown in this manner – and hope that an ongoing dialogue among our respective organizations will allow us to avoid any similar problems in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Bertha Lewis".

Bertha Lewis  
Founder and President  
Black Leadership Action Coalition

A handwritten signature in black ink, appearing to read "Jim Galloway".

Jim Galloway  
Coordinator  
LeFrak City Tenants League

A handwritten signature in black ink, appearing to read "Malika Shabazz".

Malika Shabazz  
President  
LeFrak City Tenants Association

cc: New York State Board of Elections  
Queens County Board of Elections  
U.S. Department of Justice's Civil Rights Division – Voting Section



## **EXHIBIT N**

Google Maps

Drive 0.7 mile, 3 min  
105-25 Horace Harding  
Expy to 59-17 Junction  
Blvd, Flushing, NY 11373



Map data ©2017 Google United States 200 ft



via Horace Harding Expy

3 min

Fastest route, lighter traffic than  
usual

0.7 mile



3:56 PM—4:01 PM

5 min



Q88



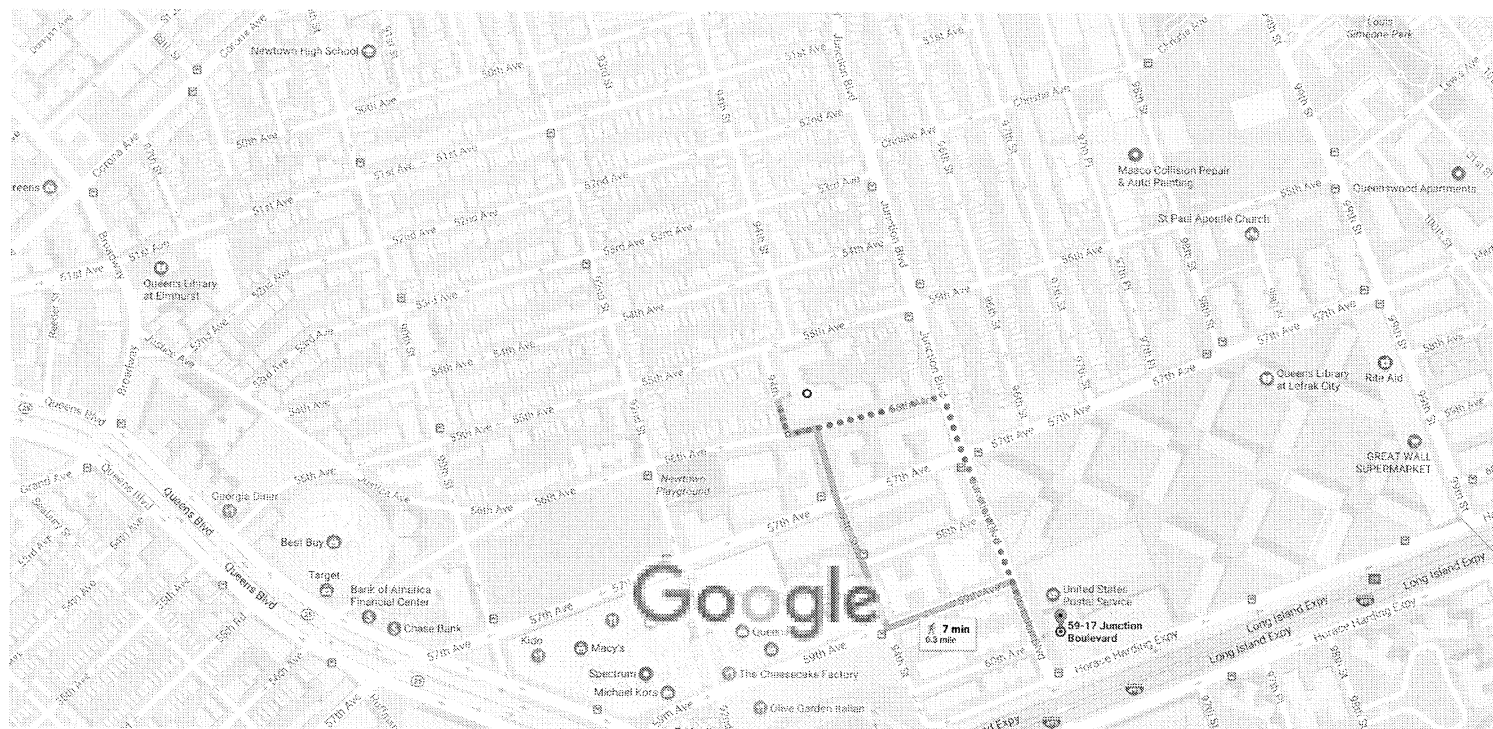
via Horace Harding Expy

13 min

0.7 mile

# Google Maps

55- Walk 0.3 mile, 7 min  
01 94th St, Flushing, NY  
11373 to 59-17 Junction  
Bld, Flushing, NY 11373



Map data ©2017 Google United States 200 ft



via 56th Ave and Junction Blvd  
Mostly flat

7 min  
0.3 mile



via 94th St and 59th Ave

7 min  
0.3 mile



# VOTER GUIDE

YOUR NONPARTISAN GUIDE TO CITY ELECTIONS SINCE 1989

**GO VOTE**  
**SEPTEMBER 12, 2017**

**Primary Election**  
Queens Council Districts 19-32, 34

**Mayor**  
page 6

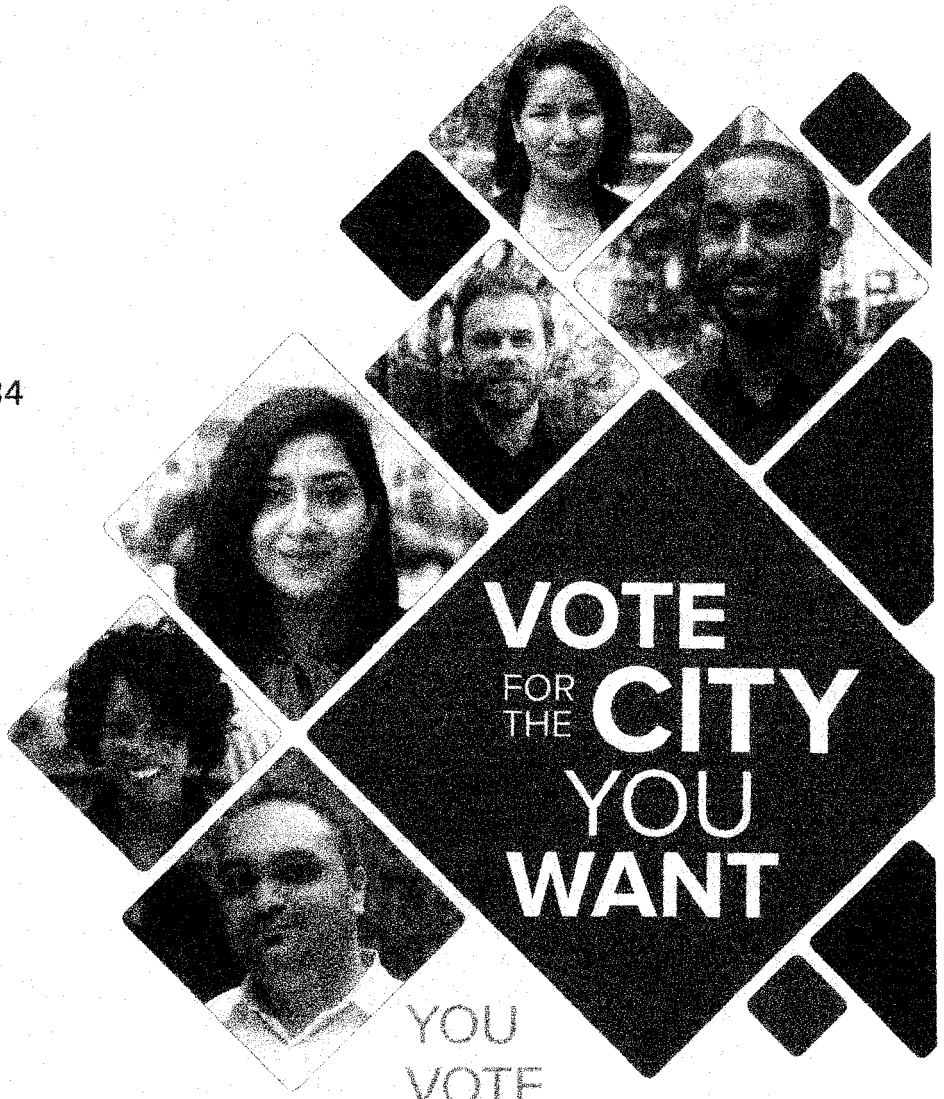
**Public Advocate**  
page 10

**Borough President**  
page 12

**City Council**  
page 14

**ESPAÑOL AL REVERSO >**

 **NEW YORK CITY CAMPAIGN FINANCE BOARD**



\*\*\*\*\*EORWSH\*\*C-026  
DURRIYAH A HAKAM  
APT 11C  
9722 57TH AVE  
CORONA NY 11368-3567  
P0236  
001476572  
00260322  
996-583L

**COUNCIL DISTRICT:** 21  
**ASSEMBLY DISTRICT:** 35  
**ELECTION DISTRICT:** 025  
**POLL SITE:**  
PS 13-CLEMENT C. MOORE  
55-01 94 STREET

PRSRT STD  
POSTAGE & FEES PAID  
NYC CFB  
PERMIT NO. 246

New York City  
Campaign Finance Board  
100 Church Street  
New York, NY 10007

**Board of Elections  
in the City of New York**

Queens Office  
118-35 Queens Boulevard, 11th Floor  
Forest Hills, NY 11375  
(718) 730-6730

**RETURN SERVICE REQUESTED****Where to Vote:****Your Poll Site is:****Su Centro de Votación es:****VOTE 2017**

Q1154400

PS 13-Clement C. Moore

55-01 94 Street, Elmhurst

**Voter Entrance:**

55-01 94 Street

**Accessible Entrance:**

55-01 94 Street

OFFICIAL  
**ELECTION MAIL**  
Authorized by the U.S. Postal Service

**PRESORTED  
STANDARD  
US POSTAGE PAID  
BD OF ELECTIONS  
CITY OF NEW YORK**

**ALERT!**

Your Polling Place Has Been Changed.  
Su Centro de Votación ha sido cambiado.



3892 0002685 T0008 0008



\*\*\*\*\*ECRWSH\*\*C-021

James E Galloway Jr

ADDRESS OMITTED